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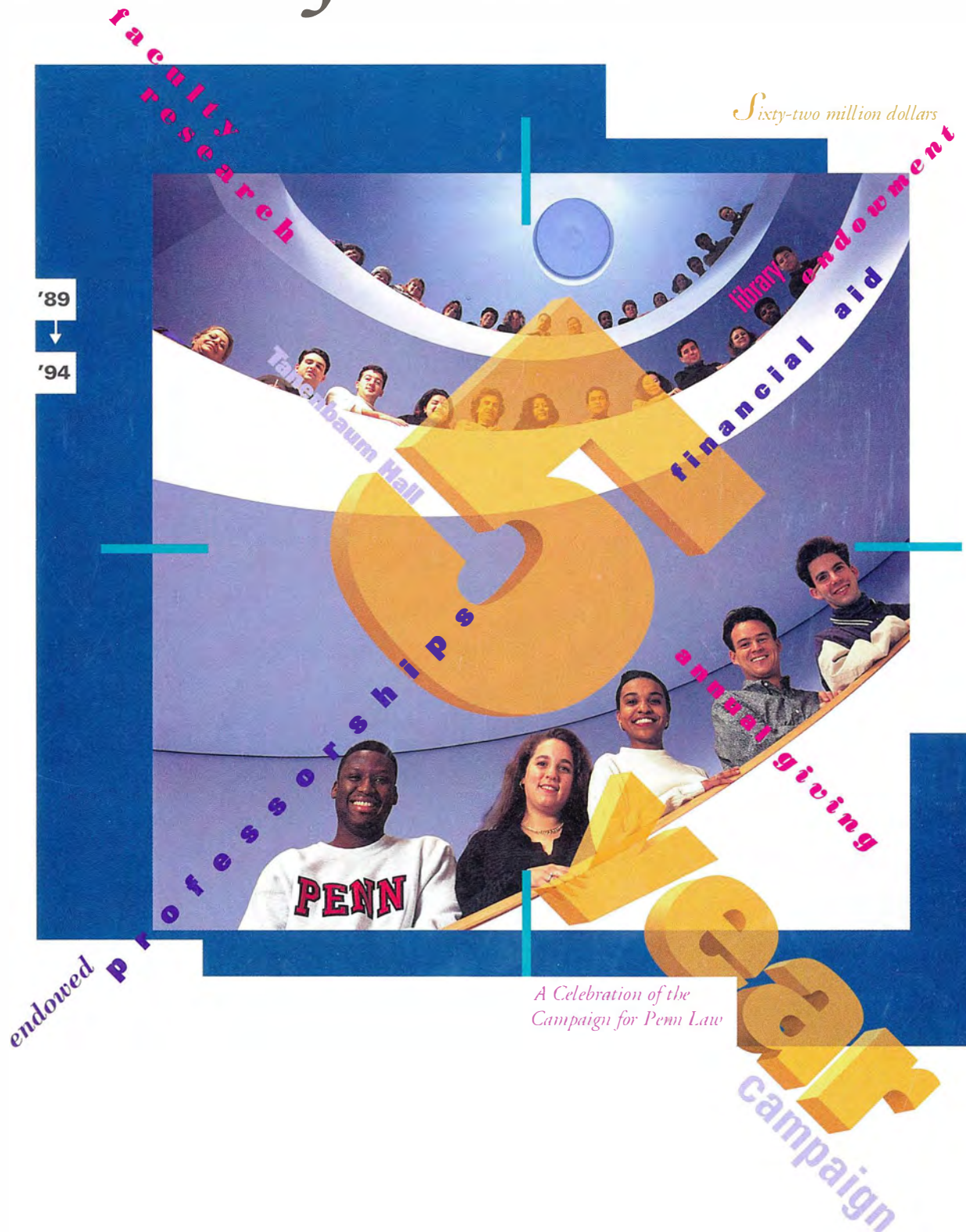
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'94

*Sixty-two million dollars*



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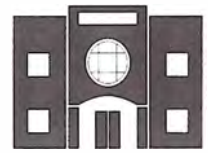
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# The Campaign for Penn Law



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million

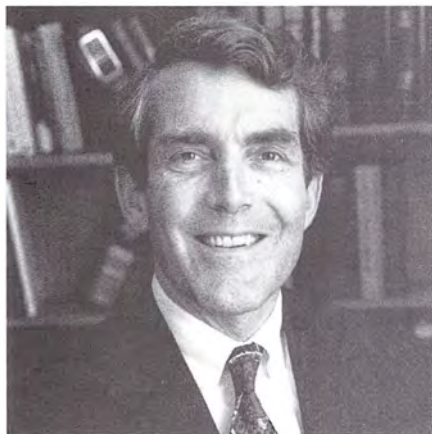
*Thank you!*



*Who benefits most from your  
Campaign contributions?*

# From the Dean

COUNTDOWN TO 2000



Dean Colin S. Diver

The Campaign for Penn Law officially ended at midnight, December 31, 1994. When the last few gifts were tallied, the total of gifts and pledges generated during the Campaign period exceeded \$62 million, 38% above our original goal, 19% above our revised goal. On a per capita basis, this will have been one of the two or three most productive fundraising campaigns in the history of American legal education.

This issue of the *Journal* celebrates the success of the Campaign by illustrating some of the many ways that it has enabled us to strengthen our educational program. The burden of these remarks, however, will be to look forward, not backward — to the possibilities that the successes of the past open up for us as we look toward the millennium.

The year 2000 will mark the sesquicentennial of the establishment of Penn Law School and the centennial of its relocation to the University's West Philadelphia campus. The establishment of the Department of Law in 1850

symbolized the separateness of law as a field of professional study, and the relocation of the Law School from Center City in 1900 symbolized its interdependence with the arts and sciences. Those two historical facts supply the themes that should guide our planning for the next five years: professionalism and intellectual diversity.

Over the past century, the profession of law has undergone dramatic, even wrenching change. Its intellectual underpinnings have been badly eroded and are in desperate need of renewal and replacement. We can no longer content ourselves to view law as the output of common-law judicial decisionmaking, adjudication in the courts as the primary model of procedural justice, lawyers as either fully autonomous professionals or as dutiful agents. The intellectual structure of our understanding of law in the Twenty-First Century must take account of the explosion of legislative and administrative regulation, the proliferation of bureaucratic and private adjudication, dramatic structural shifts in the organization of the profession, and the crazy-quilt pattern of individual legal careers.

As I look forward to Penn Law School's sesquicentennial, my aspiration is that it will be once again a leader — indeed, that it will be *the* leader — in the fashioning of the intellectual framework for our profession. And the leader in preparing people to enter that profession.

We are, thanks in large part to the success of the past Campaign, positioned to aspire realistically to that goal. We have assembled a faculty that is superbly

equipped by experience, interest, and disciplinary background to examine the profession of law from every relevant perspective. We have built a library and communications infrastructure that places us on the leading edge of the information revolution. Our Public Service Program and Center on Professionalism set national standards for programs of their type.

To reach the goal that I have described requires a very focused effort over the next five years to build on these strengths. First, we must continue to appoint to the faculty individuals who bring a distinctive perspective on the legal profession, coupled with a genuine commitment to its understanding and improvement. Second, we must, by expanding the faculty and perhaps reducing the enrollment, reduce the ratio of students to faculty so as to optimize the opportunities for all students to achieve their full potential. Third, we must encourage the development of both new teaching methods and new courses that enable students to develop a full range of professional skills, intellectual frameworks, and multicultural understanding to prepare them for the increasingly diverse, changing, and transnational professional lives they face. Fourth, we must strengthen and replicate multidisciplinary programs in fields such as ethics, philosophy, history, and economics. And finally, we must strive to build communities of genuine mutual support and respect across differences of viewpoint, culture, and background.

# Symposium

## A PPOINTMENTS

### *Faculty*

The Law School continues to strengthen its outstanding faculty with the following appointments.

Two assistant professors have been appointed to full professorships. Effective July 1, 1994, Heidi M. Hurd was appointed Professor of Law and Philosophy and Associate Dean, and Barbara Bennett Woodhouse was appointed Professor of Law.

The Law School also welcomes several new faculty members. Jason S. Johnston joins the faculty as a Professor of Law on January 1, 1995. Professor Johnston is a graduate of Dartmouth College (A.B. 1978) and the University of Michigan (J.D. 1981, Ph.D. Economics, 1984). He was law clerk to U.S. Court of Appeals Judge Gilbert Merritt and a Fellow in Civil Liability at Yale Law School. Prior to joining the faculty at Penn, he was a professor at Vanderbilt Law School and had previously taught at Vermont Law School. Professor Johnston's research centers on the game theoretic analysis of legal rules and institutions, contract law, and environmental law. His current research interests include the interstate regulation of solid waste treatment and disposal, contractual liability in preliminary negotiations, optimal litigation and settlement strategies for repeat player litigants, and the role played by commercial law in the evolution of commercial norms. His articles have appeared in a variety of publications, including the *Yale Law Journal* and *Columbia Law Review*, and

he has presented his work at Berkeley, Chicago, Stanford, Yale and other major law schools across the country.

Matthew Adler joins Penn as an Assistant Professor on January 1, 1995. Professor Adler graduated from Yale College in 1984 and Yale Law School in 1991, and was a Marshall Scholar at Oxford University. He has served as a law clerk to Judge Harry Edwards of the U.S. Court of Appeals for the D.C. Circuit and U.S. Supreme Court Justice Sandra Day O'Connor, and has practiced at Paul, Weiss in New York. His research and teaching interests include administrative law and related fields, such as constitutional law, and political theory and regulation.

Paul R. Verkuil will be a Visiting Professor at Penn beginning in January. The President and C.E.O. of the American Automobile Association, Professor Verkuil was formerly the President of the College of William & Mary, where he also served as Professor of Law and Government. Prior to his tenure at William & Mary, he was Dean and Joseph M. Jones Professor of Law at Tulane Law School. He has also taught at the law schools of the University of North Carolina, Columbia University, and Duke University. Professor Verkuil is the author of numerous law review articles and the co-author of books on administrative law, economic regulation and public control of business, and social security proceedings.

Anne E. Kringel has been appointed Director of Legal Writing and Lecturer. Prior to joining Penn's faculty, Ms. Kringel was a visiting assistant professor at Widener University School of Law, where she served as a clinical professor supervising students handling civil cases for indigent clients and taught a seminar on voting rights. Ms. Kringel earned her B.A. and J.D. degrees at Yale. At Yale Law School she was a Senior Editor of the *Yale Law Journal*, a teaching assistant in civil procedure, legal writing and legal research, and the winner of the Potter Stewart Prize for moot court. She also participated in the Yale Clinical Program, where she handled housing cases. Ms. Kringel practiced law in Minneapolis before beginning her academic career.

### *Administration*

Martin W. Shell joins the Law School as Assistant Dean of Development and Alumni Affairs. He has ten years' experience in higher education development and alumni relations, including positions at the Pennsylvania College of Podiatric Medicine, Villanova University, and his alma mater, Hendrix College in Conway, Arkansas.

Elizabeth C. Brown has been named Director of Law Annual Giving. A fundraising professional with eight years of experience in university settings, Ms. Brown comes to the Law School from Penn's Benjamin Franklin Society, where she had served as director since June 1992. Ms. Brown established an



impressive record at BFS. Under her leadership, contributions increased by 12% for the 1992-93 fiscal year and by 15% for the 1993-94 campaign. Previously, Ms. Brown had been the Associate Director of Annual Giving at Villanova University. She holds a B.A. in Psychology from the Catholic University of America and an M.S. in Human Organization Science from Villanova. She is currently pursuing a Ph.D. in Higher Education Administration at Penn.

## L ECTURES AND CONFERENCE

*Penn Law School collaborates with the Federal Judicial Center to present two important conferences.*

### MANAGING COMPLEX LITIGATION

On May 12 and 13, 1994, Penn Law School and the Federal Judicial Center co-sponsored an invitational conference to discuss a draft of the *Manual for Complex Litigation - Third*. The conference brought to the School a dazzling array of talent from the bench, the bar, and the professorate.

The *Manual* is an unofficial but highly influential collection of principles, procedures, and practices for the fair and efficient management and resolution of complex litigation such as class actions, mass torts, and environmental clean-up litigation. It was last revised in 1985, and since then there have been many significant changes in the rules, statutes, case law, and practices (including technology) in complex litigation. The *Manual - Third* is being prepared under the auspices of the Center, which conducts research and education for the federal judiciary, and is intended to reflect these changes and provide specific advice and suggestions to judges and lawyers.

The conference, which was part of the David Berger Conference on Complex Litigation at the Law School,



*The European Alumni Society met for dinner in Dublin, Ireland on May 28, 1994. The event was planned by Michael Collins '80. Visitors from the Law School were Colin and Joan Diver and Professor Curtis Reitz '56 and his wife, Judith Reitzulli '80.*

allowed participants, leading experts on complex litigation, an opportunity to learn about, discuss, and critique the *Manual - Third* while it was still in preparation.

Judge William W. Schwarzer, director of the project and of the Center, was joined by the participants in the discussion of six aspects of the draft *Manual*, with each aspect preceded by presentations of the major issues by a judge or academic and a practitioner. The presenters included Judge Maryanne Trump Barry of the U.S. District Court for the District of New Jersey; Merrill G. Davidoff of Berger & Montague; Professor Geoffrey C. Hazard, Jr., Trustee Professor of Law; Robert C. Heim '71 of Dechert Price & Rhoads; and Professor Arthur Miller of Harvard Law School. Professor Stephen B. Burbank organized the conference and served as moderator.

Judge Schwarzer returned to Washington with numerous useful comments about the draft *Manual - Third* and has since produced a new draft that bears the mark of the Berger Conference. Professor Burbank said that he was "pleased that a seemingly dry subject could engage the interest, nay the passion, of so many talented lawyers for the better part of two days."



*Professor Hurd addresses the "Jurisprudence for Judges" conference.*

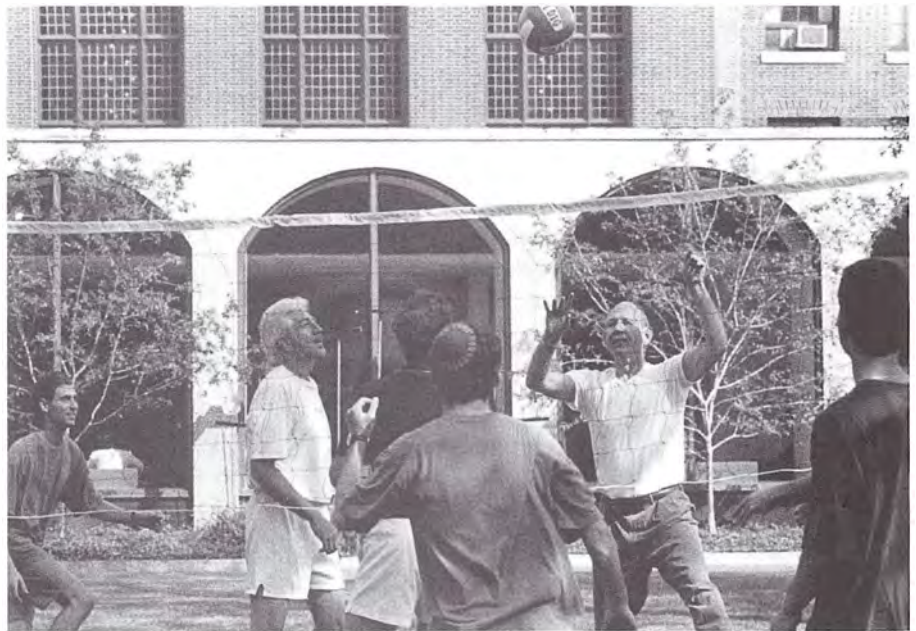


*"Jurisprudence for Judges" faculty and participants gather in Tan nbaum Hall.*

#### FEDERAL JUDGES SHED THEIR ROBES FOR THE LIFE OF THE STUDENT

For several days last September forty federal judges attended "Jurisprudence for Judges," a novel course co-sponsored by Penn Law School and the Federal Judicial Center. This was a course on jurisprudence for those who practice jurisprudence on a daily basis, namely, judges. The guiding principles of the course were that legal philosophers and judges share a common concern with the job of judging and that the theory and the practice of that job can mutually inform each other.

The judges in attendance were selected by the Center from a much larger pool of applicants; with two exceptions, all were sitting federal district court judges. The faculty for the course consisted of Penn Law professors Heidi M. Hurd, Leo Katz, and Michael S. Moore, together with former Dean and present lecturer Louis H. Pollak, who is himself a federal district court judge. Two legal philosophers from other schools, professors Jules Coleman of Yale and David Lyons of Cornell, completed the faculty roster.



*Judges accept Penn Law students' volleyball challenge at the close of the "Jurisprudence for Judges" conference.*

The ten sessions of the course were organized analytically, not historically. That is, judging was conceived of as a kind of constrained decision-making, the ingredients of which include deductive logic, general propositions of law, interpretation and application of those general propositions of law to the facts of particular cases, and values. The attempt was made to subdivide judicial reasoning in this analytical or functional way, not to describe the history of

differing overall views on judicial reasoning. The hypotheses guiding the selection of these ingredients were: (1) that judicial reasoning is a blend of logical, text-based, interpretive, and value-laden reasoning; and (2) that such reasoning defines the judicial role within the overall ethical life of every judge.



Faculty members presented different perspectives on these topics, exposing the judges to opposing viewpoints. On the first day, for example, Professor Moore discussed his view that standard deductive logic is always relevant to judicial decision-making, illustrating that thesis by the logical reconstruction of a short, federal district judge's opinion. (See Faculty Excerpts, page 34, for a summary of that discussion.) Professor Moore also discussed his well known natural law view that texts bind judges in their role as judges only insofar as such texts have some connections in content with the norms of morality. In contrast, Professor Coleman presented his equally well known legal positivist view that the norms that bind judges do so because of their authoritative source and not because of the moral status of their content.

On the second day, the overarching topic for all three sessions was how judges should interpret statutory and constitutional texts. The sessions were devoted to the three leading theories of interpretation: Professor Moore discussed the meaning words have as semantic units in English, often referred to as the "letter of the law;" Professor Hurd discussed the purpose, function, or value a law should be seen to serve, often referred to as the "spirit of the law;" and Professor Lyons discussed the relevance of what the original authors of legal texts had in mind, often referred to as "legislative intent" or "framer's intent."

This dissection of the separable aspects of judicial reasoning was completed on the third day by Professor Hurd's session which focused on where judges should look when they must make value judgments in the course of their judging. She then explored why even natural law judges, who look to the natural law rather than popularly shared values, nonetheless are capable of the restrained judgment characteristic of the judicial role.

The last sessions of the course, together with the literary evening on Herman Melville's *Billy Budd* and Shakespeare's "Measure for Measure,"

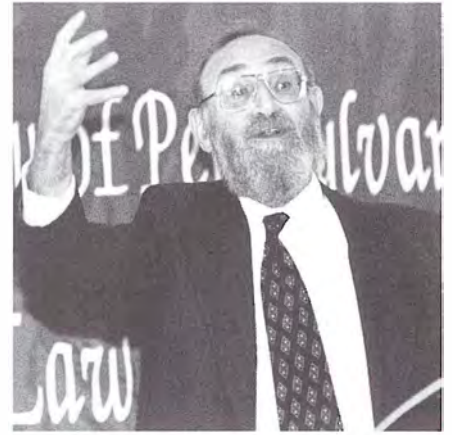
focused on the judicial role writ large. The question asked was whether the moral force of the judicial role was such that judges could never justify going against the dictates of that role in the name of greater justice. Professor Katz led the judges through a set of intriguing German law comparisons, Judge Pollak presented various interpretations of Melville's and Shakespeare's views of this matter, and the entire faculty discussed the relevance of a judge's views on these matters in the context of judicial selection and retention.

Although the "homework assignments" were heavy and the discussions lengthy, intensive, and at times quite heated, the group found time for rest and recreation. Penn Law students hosted lunches in the Law School's newly completed courtyard and also issued a beer and volleyball challenge to the judges, with the students winning at least one of those events.

The Center housed the judges in the luxurious Four Seasons Hotel. When the conference was over, the judges enjoyed the opportunity to explore Philadelphia. Many left expressing their gratitude to the Law School and the Center for affording them this unique opportunity to shed their robes and return to the classroom.

### *Gruss Lectures in Talmudic Civil Law*

Aaron Kirschenbaum, Professor of Jewish Law at Tel Aviv University and the Caroline Zelaznik Gruss and Joseph S. Gruss Visiting Professor of Talmudic Civil Law at Penn, presented this year's Gruss Lectures in October and November. Professor Kirschenbaum lectured on the following topics. "The 'Good Samaritan' and Jewish Law" examined how the Jewish legal system and historic Judaism coped with the philosophical and moral problems that arise when circumstances force an individual to choose between indifference or active intervention to assist another.



*Professor Kirschenbaum presents the Gruss Lectures in Talmudic Civil Law.*

In "The Criminal Confession in Jewish Law," Professor Kirschenbaum discussed the classical Jewish legal tradition that rejects the criminal confession, the guilty plea, and any self-incriminating statement, even if voluntarily made. The third lecture, "The Legal Profession: A Jewish Law Perspective," illustrated the classical Jewish legal procedure that combines adversarial and inquisitorial elements with little emphasis on the advocate, leading Professor Kirschenbaum to pose the intriguing question, "Could there be a world without lawyers?"

The Gruss Chair and Lectureship in Talmudic Law were established in 1987 by Joseph S. Gruss through a bequest from his wife Caroline's estate. The Gruss gift has enhanced the Law School's curriculum and the University's Jewish Studies Program. In addition to establishing the Chair and Lectureship, the late Mr. Gruss gave generously to establish a Talmudic Law collection in the Biddle Law Library.

### *A Post-Election Look at Health Care Reform*

On November 10, 1994, the Law School hosted an interdisciplinary symposium jointly sponsored with Penn Medical School. Entitled "Health Care Reform: A Post-Election Look at Congress's Unfinished Agenda," the symposium was moderated with R. Michael Kemler, J.D., LL.M., and featured leading academics and practitioners with expertise in health care reform and related legal issues. William L. Kissick, M.D., Dr. P.H., who is the George Pepper Seckel Professor of Public Health and Preventive Medicine at Penn, spoke on the topic, "Equity of Access to Health Care: Unalienable Right or Societal Entitlement?" Major issues and stumbling blocks facing national health care reform were analyzed by Jeffrey B. Schwartz, J.D., L '65, who is Chair of the Health Care Unit at Cohen, Shapiro, Polisher, Shiekman and Cohen. Harold Cramer, J.D., L '51, the C.E.O. of Graduate Health Systems, discussed the way in which market forces reshape the health care delivery environment, concluding that "consumer demand [is] the true catalyst for reform." William N. Kelley, M.D., C.E.O. of Penn's Medical Center and Health System and Dean of Penn Medical School, presented "Solutions to the Challenges of Delivering High Quality and Effective Health Care." The impact of health care reform on academic medical centers was assessed by Ellen Covner Weiss, J.D., a former Associate Vice President for Legal Affairs at the Hospital of the University of Pennsylvania who is currently co-chair of the health care practice at Dilworth, Paxson, Kalish & Kauffman. Alan J. Ominsky, M.D., J.D., L '89, an attorney with Bernstein, Silver & Gardner who is also a board-certified anesthesiologist and psychiatrist, concluded the symposium with his presentation, "Health Care Reform and Medical Malpractice: Health Care Reform Does Not Require Tort Reform."

### *American Inns of Court*<sup>1</sup>

On September 13 the first meeting of the University of Pennsylvania Law School branch of the American Inns of Court (AIC) convened at Tanenbaum Hall. The AIC pairs new lawyers with more experienced judges and attorneys in the community. The purpose of the Inns is to help trial and appellate lawyers and judges become more professional. There are four categories of members in each Inn: Masters of the Bench, consisting of judges, lawyers and law professors with more than 10 years of experience; Barristers, consisting of lawyers and law professors with from five to 10 years of experience; Associates, consisting of lawyers with less than five years of experience; and Pupils, consisting of third-year law students. The maximum number of members in an Inn is 80, not including honorary or emeritus members.

The Law School's Masters of the Bench include several federal and Philadelphia judges, many of whom have law degrees from Penn. Five Penn law professors are also Masters of the Bench: A. Leo Levin '42, an honorary member, Curtis Reitz '56, Stephen B. Burbank, Barbara Woodhouse, and Edward Rock '83. In addition, 15 Penn Law School students have been chosen as Pupils. Gary Clinton, Assistant Dean for Student Affairs, serves as the Inn Administrator.

Why would the School favor an affiliation with the AIC? "This is a way to strengthen the Law School's ties to the organized bench and bar, as well as to alumni," said Dean Diver. "The Inn is good for students because it gives them contacts and some sense of current issues. And, as dean, I need to know what's on the mind of the profession."

Members of the Penn AIC have been divided into 15 five-member "Pupillage Teams," with each team consisting of one or two Masters, one or two Barristers, and Pupils or Associates. Each team must conduct one demonstration for the Inn each year.

Magdalen Braden '95 was the Penn Law student member who took part in the first demonstration, which involved a hypothetical enactment of the O. J. Simpson trial before Hon. Thomas N. O'Neill '53. Her role involved reading "the facts of the case" so that everyone in attendance would have the same body of information as a starting point in the trial. "We learned that the opening statement in a criminal trial is of great importance," said Braden. "Each attorney wants to foreshadow the case to be presented and to reach out to those jurors who might be inclined toward the other side."

Braden found both Frederick G. Herold '83, for the prosecution, and Alan J. Davis C'57, for the defense, "impressive in their presentations. This was a wonderful opportunity for young attorneys and law students to see and hear the best and most experienced attorneys and judges in the city."

Professor Levin agreed with Braden. "This was a five-star performance by Herold and Davis," he said. "I wanted the Law School to participate in the Inns of Court because I felt our students could benefit in three ways. First, by observing and participating in these meetings, they will be able to develop practical courtroom skills. Second, there is considerable discussion of ethical problems that arise in these presentations. And third, on a personal level, this is a wonderful opportunity to get to know some of the most experienced attorneys and judges in the city."

<sup>1</sup> *Excerpted and adapted from an article by Kirby F. Smith that appeared in the September 22, 1994 issue of the Penn Compass.*





*Alumni and faculty participate in a fall phonathon. Front row, left to right: Fred Blume '66, Samuel "Bud" Diamond '55, Assistant Dean Jo-Ann Verrier '83, Michael Kliue '69, James Golden '80. Middle Row: Bradley Boericke '90, Mary McLaughlin '76, Professor William Ewald. Back Row: Nicole Herman '90, Professor Alan Lerner '65, Marion Hubing '90, Stanely Shingles '60.*



*Dean Diver calls an alumnus during a successful Annual Giving Phonathon.*

## LAW ANNUAL GIVING UPDATE

This year's Law Annual Giving campaign got off to an exciting start, with over \$1 million in cash and over \$1.3 million in pledges tallied by December 1994. These figures place the current campaign well ahead of where last year's campaign was at this time. This success is largely due to the enthusiastic participation of students and alumni in seven phonathons held this fall. Penn Law students staffed three phonathons, while alumni made calls from Philadelphia, New York City, and, for the first time, Washington, D.C. In all, over seventy callers raised approximately \$155,000.

There is still a long way to go to meet the Annual Giving fundraising goal of \$2.1 million. This target figure represents 11% of Penn Law's operating budget, with contributions paying for financial aid awards, library books, research, and other essentials. Continued alumni support is crucial to Penn Law's success.

## DEAN JEFFERSON B. FORDHAM REMEMBERED

A memorial tribute to Dean Jefferson Barnes Fordham was held on October 25, 1994. Dean Fordham, dean of the Law School from 1952 to 1972, passed away on June 29, 1994. From 1972 until his retirement last year, Mr. Fordham was a professor of law at the University of Utah in Salt Lake City. Throughout his lifetime he was a strong advocate of individual rights and racial equality. Dean Fordham's family, former colleagues, students and friends gathered at the Goat to honor his memory. Howard Lesnick, Jefferson Fordham Professor of Law, A. Leo Levin '42, Meltzer Professor of Law Emeritus, former deans Hon. Louis Pollak and Robert Mundheim, University Trustee Robert Trescher '37, Marshall Bernstein '49, and Isadore Scott all described Dean Fordham as a man larger than life. They spoke fondly of his generous and collegial nature, and his keen intellect and zest for life. State Senator Ernest Preate '65 read a proclamation from the Commonwealth of Pennsylvania, and Mrs. Fordham spoke eloquently to more than 100 guests about her husband's love of life, the law and Penn Law School.



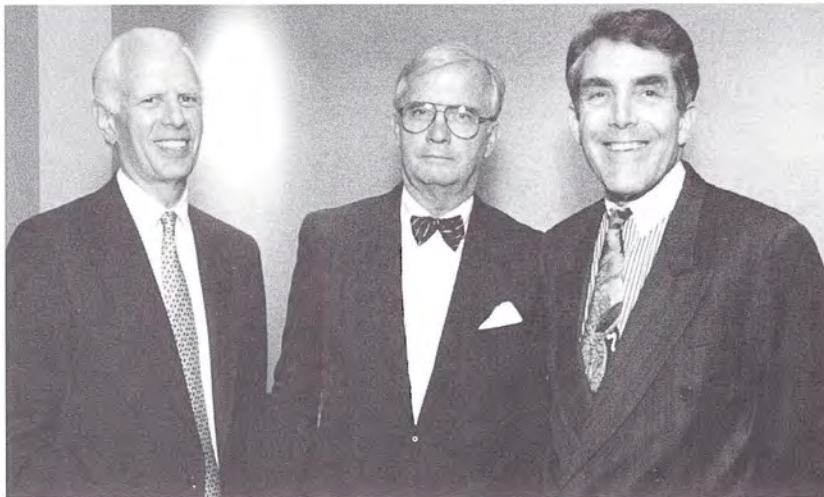
*Mrs. Jefferson Fordham speaks to the former dean's colleagues, students and friends at a memorial tribute held at the Law School.*



## ALUMNI EVENTS

The Law Alumni Society hosted several alumni events this year, providing alumni with the opportunity to strengthen and maintain their ties to the Law School. On August 8, Dean Diver and Lester Kabacoff '37 invited alumni to attend a reception at the New Orleans Hilton Riverside and Towers. The reception was held in conjunction with the annual meeting of the American Bar Association. In October, Victor Boyajian '85 hosted a reception in Short Hills, New Jersey, at the Racquets Club of Short Hills. Dean Diver and Professor Geoffrey Hazard were also in attendance. Washington, D.C. was the site of a Society breakfast on Wednesday, November 2. Dean Diver brought the attendees up to date on what was happening at the Law School. Jo-Ann Verrier '83, Assistant Dean for Career Planning and Placement, asked alumni to consider Penn Law graduates when hiring new associates. On November 15, Glen A. Tobias '66 hosted a Benjamin Franklin Society reception at the Penn Club in New York. Dean Diver and Professor Hazard attended. The Society hosted a luncheon at the Rodney Square Club in Wilmington, Delaware, on December 4. The luncheon featured Professor and Associate Dean Heidi Hurd's presentation on "Jurisprudence for Judges."

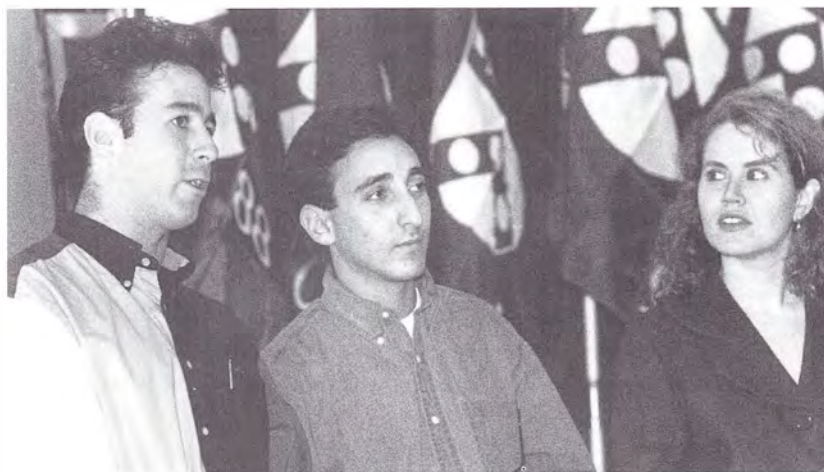
Parents and Partners Day was held on November 4 at the Law School. This event drew more than 280 parents, partners, and students from the Class of 1997. The Day's schedule began with a continental breakfast. Parents and partners then attended class with the students. After class, tours of the Law School were offered. Dean Diver welcomed participants, and alumni Hon. G. Craig Lord '71, Richard Rosin '68, and Patrick Ryan III '82, who have family members in the Class of 1997, spoke on their experiences after law school. Third-year students Maria Beguiristian, David Hennes, and Joshua Kamin then shared their survival skills for getting through law school. Afterwards, everyone convened for a box lunch in the Goat, the Great Hall, and the courtyard.



*Glen A. Tobias '66, Professor Geoffrey C. Hazard, Jr., and Dean Diver enjoy the Benjamin Franklin Society reception at the Penn Club in New York City.*



*Alumni speakers and their relatives in the Class of '97 share memories and future plans at Parents and Partners Day. Left to right: Peter Ryan '97 and his brother, Patrick Ryan III '82; Patrick Lord '97 and his father, Hon. G. Craig Lord '71; Daniel Rosin '97 and his father, Richard Rosin '68.*



*Joshua Kamin '95, David Hennes '95, and Maria Beguiristian '95 share their law school experiences with the Class of '97 at Parents and Partners Day.*

## LL.M. EVENTS

On September 18 Dean Diver held a brunch at his home for the 1995 LL.M. students. Fifty students and their family members attended this event. Also present were Professor Charles Mooney and Assistant Dean for Student Affairs Gary Clinton. On October 25, a reception for Penn Law and Temple LL.M. students was co-hosted by the University of Pennsylvania Law School, the Temple School of Law, and the Philadelphia Bar Association's International Lawyers' Committee. The reception was held at the Philadelphia Bar Association's offices at 11th and Market Streets. The PBA's Chancellor, Lawrence Beaser, and a co-chair of the International Lawyers' Committee, Stephen Goodman '65, welcomed the students and lawyers from the International Law Committee.

## CAREER PLANNING AND PLACEMENT UPDATE

The legal job market continues to change in many ways that affect not only graduating law students but also alumni who are considering lateral moves, transfers to other areas of practice and business, and careers outside the law.

Penn Law students continue to face a difficult job market — and to hold their own in the face of increasing competition for fewer positions. While some members of the Class of '94 continue to seek post-graduation employment, they report good results after passing bar examinations. Students are beginning their careers in New York (almost 30% of recent classes), Philadelphia (25%), Washington, D.C. (15%), Boston, Miami, California, Chicago, Atlanta, and points in between. Almost 60% of recent graduates have joined law firms; approximately 20% enjoy a clerkship as their first legal job; 10% join government and public interest organizations; and the remainder join businesses,



*The Career Planning and Placement staff, including Assistant Recruiting Coordinator Helena Reid (left) and Assistant Director Susan Toler (right) are available to assist alumni who are seeking new positions.*

continue their educations, or use their law degrees to complement skills in another profession.

Alumni, meanwhile, are experiencing interesting changes in the market firsthand, such as lengthening partnership tracks, different constructs of partnership, and fluctuations in the "hot" practice areas. Layoffs and firm downsizing seem to have translated into great cautiousness by firms in making staffing decisions. Increasingly, firms are keeping the ranks slim in order to improve and maintain per partner profit margins. Corporate legal departments are rethinking both their internal staffing strategies and the way in which they send work out to firms, causing widespread effects in the market.

Through it all, Penn Law graduates are finding their way. Anecdotally, it appears that about 40-50% of all graduates are employed full time in the private practice of law. Many others are combining their legal skills with business professions. And a large number of graduates are doing entirely different things: writing novels, teaching high school, running non-profit organizations, doing policy work for the government, opening restaurants, and so on.

The Career Planning Office is interested in hearing from alumni about their career paths. Students are often very

short-sighted about what their future will bring, and hearing about the personal experiences of alumni is often very helpful. If you can take a moment to complete a Practice Profile, explaining what you do on a daily basis and how you got from Law School to your present situation, please call the Office at (215) 898-7493.





*The Career Planning and Placement Library is now open Tuesday evenings until 8:00. Individual counselling sessions may be arranged.*

*Career Planning Office open Tuesday evenings to serve recent graduates*

Beginning January 31st, every Tuesday evening this semester until 8:00, recent graduates are welcome to come to Career Planning and Placement's new office in Tanenbaum Hall. Job listings, information on internships and fellowships, career planning resources, bar examination information, and LEXIS and Westlaw career libraries are all available to you. If you would like to meet with a counselor, please call (215) 898-7493 in advance to schedule an appointment.

**LOOKING FOR A FEW GOOD LAWYERS?  
LOOK NO FURTHER THAN YOUR OWN  
BACKYARD...**

Recruiting Penn Law students and laterals is not only a successful way to staff your firm or organization — it's also incredibly simple. Career Planning staff members work with you to put you in touch with the "right" candidates — 1L students for a summer internship, 2L students for summer associate programs, 3L students for permanent positions, LL.M. candidates from foreign countries for internships and international client development initiatives, and laterals to fill your ranks. Whatever your hiring needs, we can assist. Consider the following recruiting options:

*Fall On-Campus Recruiting*

Is your firm taking advantage of the opportunity to meet with Penn Law students during the fall recruiting season? If not, be sure your Hiring Committee will consider Penn for fall '95. (Volunteer to come to Penn to interview students and enjoy the chance to visit a few old haunts on campus...)

*Requesting Résumés Program*

You tell us what you are looking for in candidates; at your request, we collect and send résumés from our students to you or ask that students contact you directly.

*Off-Campus Recruiting Fairs*

We participate in several off-campus recruiting fairs. Call to see if one may be convenient to you either geographically (students come to you!) or in terms of the diversity of candidates you will see when we participate in fairs with other Philadelphia-area law schools.

*Minority Recruiting Efforts*

We participate in many minority student recruiting programs. Call to see if one is convenient for you. We also welcome your inquiries about our minority candidates and how you can best gain access to these students, who comprise approximately 25% of the student body.

*Job Listings Service*

Send us your job listings and we will include them in our Job Binders in the Office, which job-seekers consult daily. For a small fee to cover the costs of photocopying and mailing, we will include your listing in our Alumni Newsletter, mailed monthly to more than 100 Penn Law graduates actively seeking a new legal position. Be sure your firm or organization is looking to Penn when you need to hire a student or lateral attorney. For more information, call Jo-Ann Verrier, Assistant Dean, at (215) 898-6746, or Jane Devine, Recruitment Coordinator, at (215) 898-7485.





C E L E B R A T I O N !

# of the Campaign for Penn Law

*The culmination of the five-year Campaign for Penn Law is an occasion to look back on a successful and momentous period in the Law School's history and forward to the challenges of the future.*



above

*The most tangible sign of the Campaign's success is Tanenbaum Hall. The Tanenbaum family, Lawrence C '89, Roberta, and Myles W '52, L '57, broke ground for the new building on May 18, 1991.*



*Charles A. Heimbold, Jr. '60*

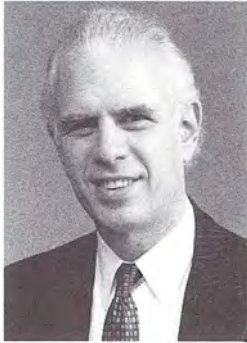


Left

*U.S. Attorney General Janet Reno gave the keynote address at the Tanenbaum Hall Dedication Ceremony, October 14, 1993.*

**T**he Campaign's success exceeded all expectations, surpassing the original goal by 38% and the revised goal by 19%.

*CHARLES A. HEIMBOLD, JR. '60, Chair of the Law School Board of Overseers, attributes this success to the "extraordinary support the alumni and friends have given [in] clear recognition of the need for a new library and classrooms," coupled with "outstanding leadership by Dean Diver" and hard work by a "devoted development staff." As the Campaign ended, Mr. Heimbold looked forward to the renovation of one-hundred-year-old Lewis Hall for its second century of service to the Law School. Mr. Heimbold is the President and C.E.O. of Bristol-Myers Squibb Co.*



*Glen A. Tobias '66*

*Law School Overseer and National Chair of Law Annual Giving* **GLEN A. TOBIAS '66** characterized the Campaign as "tremendously satisfying." "The Campaign has yielded not only a magnificent new building but also provided increased student aid, additional research support for the faculty, and new endowed professorships, all of which will help the Law School to continue to flourish," he said. Among alumni, Mr. Tobias notes "there is a tremendous amount of enthusiasm that so many things are going so well — the outstanding caliber of the faculty, the high level of interest in Penn Law by first-rate applicants for the incoming classes, and the physical presence of the School." Mr. Tobias, Managing Director Emeritus at Bear Stearns & Co., expects these encouraging trends to "continue and accelerate... When you're on a winning team, good things continue to happen to you."



*a b o v e*

*Dean Diver joined benefactors, faculty, alumni and students to celebrate the dedication of Tanenbaum Hall.*



*Jerome B. Apfel '54*

From his perspective as President of the Law Alumni Society, **JEROME B. APFEL '54**, a partner at Blank, Rome, Comisky & McCauley, views the results of the Campaign as "extraordinary considering the size of the alumni population... and the level of participation of alumni in the past. People really paid attention!" Mr. Apfel credits Dean Diver and his predecessor, Dean Mundheim, as "the keystone to making [the Campaign] a success, along with the development staff."

The most tangible sign of the Campaign's success is, of course, Tanenbaum Hall. Mr. Apfel believes that the new building "enhances the image of the School among outsiders." Significantly, Mr. Apfel notes, Tanenbaum Hall may already be helping Penn to attract the best students. This year's "acceptance ratio was enhanced by the fact that some applicants were... totally impressed by the environment," leading them to choose Penn over competing schools.

In the future, Mr. Apfel hopes to see Lewis Hall renovated to provide more classrooms and office space for "off-site" Law School departments, such as the Alumni and Development Office and the Clinical Programs. As to the state of Penn Law at the close of the Campaign, Mr. Apfel says it "couldn't be better."





*Alumni participation in the Campaign was critical to its success, and to improving Penn's programs and facilities into the next century. Below, several alumni describe their gifts to the Law School and what Penn Law and its future mean to them.*

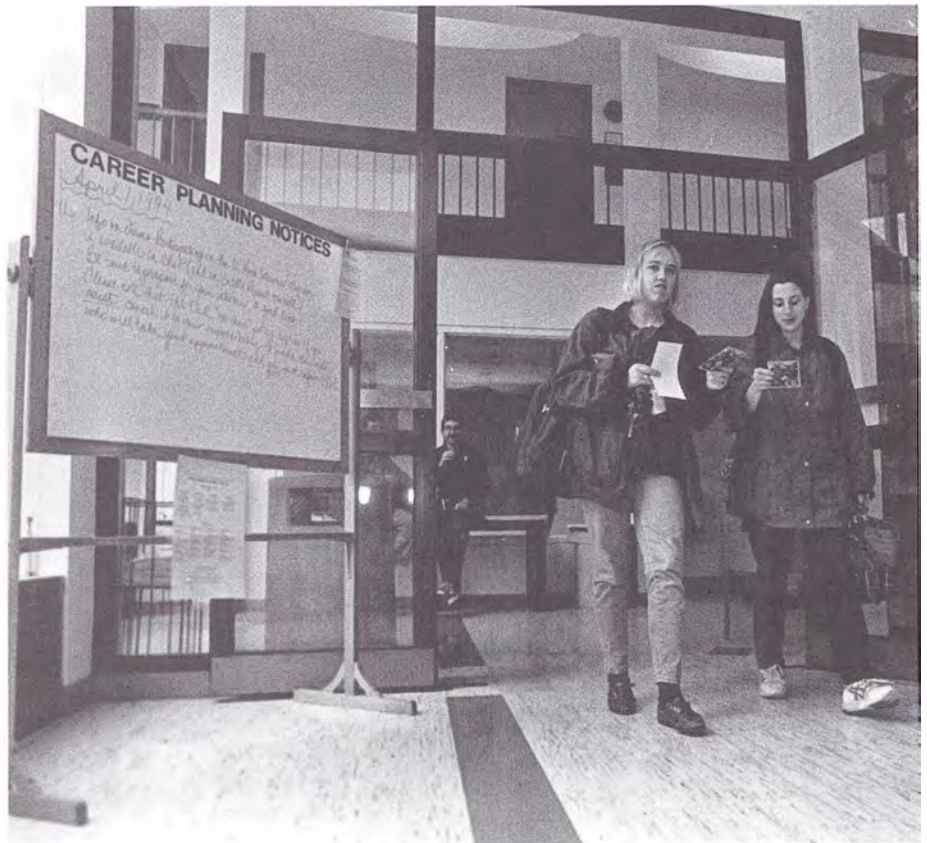
## Giving Something Back to Society

Although they have never met, **STANLEY BERNSTEIN '68** and **JOHN GROGAN '93** share an important bond: Mr. Bernstein's contribution to Penn Law's loan forgiveness program helped make Mr. Grogan's public interest law practice possible. When Mr. Bernstein, chairman and C.E.O. of the Biltrite Corp., decided to make a significant gift to the Law School, he consulted Dean Diver to determine how his contribution might most effectively fulfill a need at Penn. Dean Diver suggested the loan forgiveness program for students entering public interest work, and this "struck a responsive chord" with Mr. Bernstein, who says that he was attracted by the idea of being able to "encourage people to give something back to society." Mr. Grogan, whose tuition was partially paid by a Kramer Public Interest Scholarship, was selected as the first recipient of Mr. Bernstein's gift. "Loan forgiveness is crucial to me," Mr. Grogan said. "I could not afford to do this job [without it]."

With Rev. David Brooks, a Jesuit priest and lawyer, Mr. Grogan co-founded the Camden Center for Law and Social Justice in July 1994, after he completed a clerkship for Justice Alan B. Handler of the New Jersey Supreme Court. The Center is located in North Camden, NJ, one of the poorest urban neighborhoods in the country. Mr. Grogan and Rev. Brooks represent indigent clients in civil cases involving consumer law, real estate, immigration, estate planning, family law, and other issues. In addition, the Center strives to "build coalitions with other nonprofits" to assist community development and help shape public policy, Mr. Grogan said.

Through loan forgiveness, Mr. Bernstein's gift to Penn Law has reached beyond the walls of the School to the needy streets of Camden. Mr. Bernstein describes Mr. Grogan as "just the kind of person I wanted to help"—someone highly motivated and committed to public interest law who might have been unable to pursue such a career because of educational debt. The knowledge that his gift is no longer merely theoretical, but is "connected to someone specific," makes it particularly rewarding, he said.

As he serves those in need, Mr. Grogan hopes that Penn's loan forgiveness program will continue helping students fulfill their dreams. Loan forgiveness "is crucial to attracting good students committed to public interest law," he said. "I applaud Dean Diver and the faculty for making it a priority in the Campaign."



above

*Penn Law's loan forgiveness program, augmented by gifts from alumni such as Stanley Bernstein '68, enhances students' career options, making public interest careers possible.*





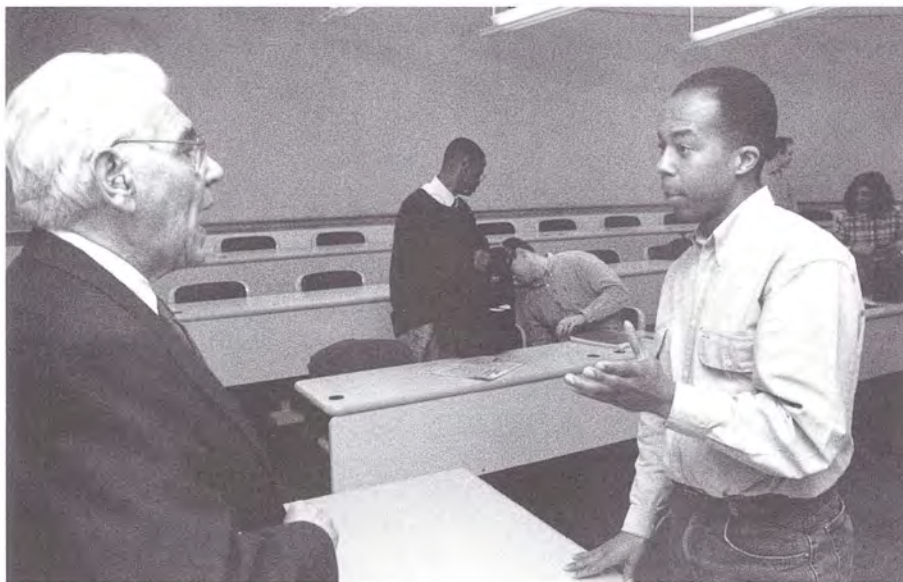
*Stephen A. Cozen '64*



*David Berger '36*

## A Quiet Place to Study

Through a generous gift to the Law School, **STEPHEN A. COZEN '64** will provide future law students with something he recalls always searching for when he was a student: a quiet place to study. Mr. Cozen has contributed \$300,000 to furnish and maintain a



**above**

*Professor A. Leo Levin '42, left, has inspired alumni including Stephen A. Cozen '64 to contribute to Penn Law. The Campaign helps to strengthen the faculty by enhancing research support.*

study area on the fifth floor of Tanenbaum Hall, as well as unrestricted funds that may be used to defray the cost of renovating Lewis Hall.

Four factors motivated Mr. Cozen to contribute to Penn, he said. "First, my real love for the Law School; second, my tremendous fondness for Leo Levin, who turned me on to the practice of law; third, my admiration for people like Colin Diver, Robert Mundheim, and Myles Tanenbaum, who give so much to the Law School; and fourth, my belief that the Law School should be in its rightful place among U.S. law schools — in the top five." Mr. Cozen believes that infrastructural improvements were necessary to improve the Law School's standing.

In addition to providing financial support to the School, Mr. Cozen, a founding partner of Cozen & O'Connor, serves on the Institute of Law & Economics Board of Advisors and has served as a Law School overseer and instructor in insurance litigation.

## The Administration of Justice

**DAVID BERGER '36**, chairman and founder of Berger & Montague, recently furthered his lifelong goal of improving the administration of justice by endowing a chair at the Law School. "I knew of no better place and time than Penn Law now to achieve that goal," he said. "My continuing love of the Law School makes this understandable." Mr. Berger anticipates that the occupant of the chair, who has not yet been selected, will do pathbreaking research and teach courses in both procedural and substantive areas. "I feel that Penn Law School is one of the great institutions," Mr. Berger said. "I hope that filling this chair will add to its greatness and enhance its luster for years to come."



## Making a Penn Law Education Possible

"I loved the Law School, loved the education I got," said **ROBERT I. TOLL '66**, chairman and C.E.O. of Toll Brothers, Inc. Now Mr. Toll and his family are making a Penn Law education possible for others through a scholarship they established in honor of Mr. Toll's parents. Mr. Toll's father, who emigrated from Russia to the U.S. as a child, dreamed of becoming a lawyer but never had the opportunity to attend law school. Rather, he helped send his two younger brothers to law school while pursuing a career in business. He is continuing to help others pursue a legal education today through his contribution to the Toll Scholarship at Penn, see page 20.

Mr. Toll thinks that "desire and ability" are the most important characteristics of a deserving Toll Scholar. He advocates looking "beyond the paper record" of college performance and LSAT scores to identify motivated students who wish to go to Penn for "expansion of the mind, not to be trained to do a job." Law students should seek to be "trained how to think, not to file briefs," he said.

The Toll Scholarship assists students in attaining the first-rate academic experience that Mr. Toll describes. He plans to contribute additional funds for financial aid, saying, "One day wouldn't it be grand if Penn were free?"

## Exploring the Role of Women at Penn

**JODI J. SCHWARTZ '84** feels "an obligation to help support the School" that provided her with the education to pursue "a career I'm thrilled with." A tax partner at Wachtell, Lipton, Rosen & Katz in New York, Ms. Schwartz has made a generous unrestricted gift to the Law School during the Campaign. She believes that continued development of the faculty, increased student financial aid, and maintenance of Tanenbaum Hall are among the important uses for Campaign contributions.

Ms. Schwartz was recently elected to the Law School Board of Overseers. She looks forward to exploring the role of women faculty members and the performance of women students at the Law School. For example, Ms. Schwartz cites studies that show that given the same LSAT scores and college GPAs, men perform better than women in law schools generally. Increasing the number of women on the faculty, who serve as role models for women students and may employ teaching styles different from their male colleagues, may help to close the gender performance gap, Ms. Schwartz observes. She believes that a mix of teaching styles should be found at the Law School, and that more women and minority faculty should be recruited.

Returning to the Law School over the years since she graduated, Ms. Schwartz has seen "tangible evidence of how far it's come" and how much it has improved. She hopes to contribute further to positive change at Penn.



*Robert I. Toll '66*



*Jodi J. Schwartz '84*

## **T**he Campaign for Penn Law benefits the entire Law School community. But no one benefits as greatly as

**Penn's students.** *From scholarship funds and loan forgiveness to state-of-the-art library facilities, from an ever-broadening curriculum to new career planning initiatives, the Campaign makes a superb legal education available to a diverse group of students in a comfortable yet exciting environment.*

*On these pages, we meet ten students who, like all of their classmates, have had their law school experience enriched by the Campaign. These students demonstrate the intellectual vigor and the broad spectrum of backgrounds and interests represented at Penn Law. If you have contributed to the Campaign, you will be proud to learn about the accomplishments and bright futures of the students you have assisted. If you have not given to Penn Law recently, you will see ten compelling reasons to contribute today.*



**a b o v e**

*Catharine Kriebs '98*

**r i g h t &  
f a c i n g   p a g e**

*The new facilities housing  
Biddle Law Library are  
among the most outstanding  
features of Tanenbaum Hall.*

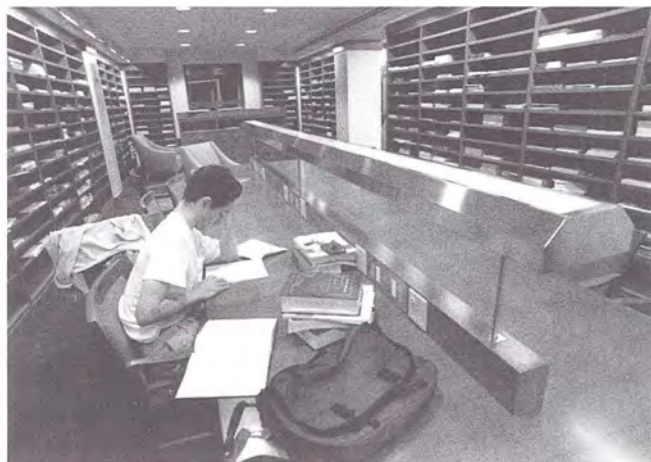


## **I**n the Library and the Classroom

A reference librarian at Biddle Law Library and part-time Penn Law student, **CATHARINE KRIEPS '98** finds that each of her roles enhances her effectiveness and enjoyment of the other. Catharine joined the Biddle staff in September 1991, after earning her M.L.S. degree at the University of Michigan. During her first year at Biddle she applied to law school with the encouragement of her mentor, Margaret Leary,

director of the law library at Michigan, and was accepted at Penn. A J.D. degree will better enable Catharine to pursue her career as a law librarian in an academic setting — a career that she hopes to continue at Penn. For now, Catharine enjoys being a liaison between students and the library. “Students are more willing to ask a person they know,” Catharine explained, rather than stumbling through the perplexing array of research materials on their own. As a student herself, Catharine understands





## A Conservative Voice at Penn

DAVID ERMINE '95 has founded the Penn Law Republicans and revitalized the Penn chapter of the Thomas More Society. Although there always has been a diversity of views at the Law School, David believes that “people didn’t speak up” about their Republican party affiliation or conservative views until they realized that they were not alone. The fledgling Penn Law Republicans, which David chairs, now boasts 58 members — a number David expected to increase in the wake of widespread Republican electoral victories in 1994. Membership in the Thomas More Society, an organization of Catholic lawyers and law students, has grown to 40.

David describes both organizations as focusing “more on ideology than on [political] method.” This approach mirrors David’s interest in political theory and his doubts about the efficacy of the political process. “I’ve seen enough of club politics,” he said, “to know that present day politics is too ugly a business.”

In addition to his political activities, David is the Special Projects Editor of the *Law Review*. A graduate of Notre Dame, he worked for three years in Conrail’s coal marketing division before coming to Penn Law. He plans to enter private practice.



David Ermine '95

the demands of legal research and is learning firsthand how the library’s resources are used by lawyers. Her experience on the staff of the *Journal of International Business Law* is particularly valuable, Catharine said, because it enables her to “see the whole process” from research, writing, and manuscript to published journal on the library’s shelves.

In addition to making the transition from librarian to student, Catharine has moved from the “old” Biddle to the “new.” While she enjoyed the classic architectural features of the library in Lewis Hall, she believes that the new library is better for both librarians and students. As a librarian in the old library, Catharine shared a windowless office, affectionately referred to as “the bunker,” with four other employees. The close proximity led to a sociable atmosphere, but the lack of space was

problematic. In the new Biddle, Catharine has her own sunny office. As a student, she enjoys new study space, such as the numerous carrels above the sunlit atrium.

Catharine’s dual role at Penn affords her many opportunities to assist her fellow students and to contribute to the library’s mission. Her experience as an employee and a student has been greatly enhanced by the building of Tanenbaum Hall and the new library.

## Hybrid: A Dream Come True

JULIE MCGOVERN '96 has helped make a "dream of people who had long graduated" come true: she is an organizer of *Hybrid*, Penn Law's journal of law and social change. The newest of Penn's journals, *Hybrid* serves the public interest community and is of interest to both legal practitioners and non-lawyers. The journal differs from traditional law reviews in its public-interest orientation, its content, and the way in which it is managed, Julie explained. For example, recent pieces have included poetry by a prisoner and a play about the Haymarket Riots. Each issue will include a "Witness Section" — a contribution by a public service practitioner describing a



Julie McGovern '96

"critical moment of revelation." Participation in *Hybrid* is open to all law students, including first-years. The journal is "run by consensus... [We] try to avoid hierarchy as much as possible," Julie said. Professors Lesnick, Sturm, Smith and Guinier have provided valuable support for this innovative effort.

The first issue of *Hybrid* was published by recent Penn graduates, and Julie and her colleagues look forward to publication of the second issue during the 1994-95 term. The journal recently

obtained office space and currently has ten to twelve active members. Interested subscribers are encouraged to write to *Hybrid* in care of the Law School for more information.



Vera Bergelson '95

## A Toll Scholar at Penn

VERA BERGELSON '95 arrived in the U.S. from Russia four years ago, eager to continue her education. She already held a Ph.D. in Slavic literature from a Russian university, but her interest had shifted to law. Compared with the Russian approach to education, she has found that education at Penn is "more stimulating, encourages independent thinking, [and is] less structured."

Vera's law school experience has been challenging and rewarding. This year she was selected to participate in Penn's newly-established American Inns of Court, an organization Vera describes as "focused on improving ethical standards of the profession." For more on Inns of Court, see page 8. In addition, she is an editor of the *Law Review*.

The Campaign has helped to make Vera's attendance at Penn possible: she is a Toll Scholar, thanks to the generosity of Robert I. Toll and his family, see page 17. After graduation, Vera will join Cleary, Gottlieb in New York as an associate, looking back warmly on her years at Penn.





## Reinventing Himself

Traveling from the streets of Compton, California to the halls of Penn Law School, **MICHAEL WILLIAMS '96** has experienced gang violence, homelessness and educational success along the way. His story is one of determination, commitment and self-discovery.

As a young teenager, Michael was affiliated with a gang, like many of his peers. While one of his friends escaped the streets to attend the U.S. Naval Academy and another became a visual artist, many others fell victim to drugs, gang violence, or prostitution. Michael witnessed a "deep sense of alienation and a nihilistic point of view passed down generationally, [resulting in] a cycle of hopelessness as well as poverty." With the encouragement of his parents, Michael extricated himself from gang life by moving across the country to attend Temple University in 1977.

After a freshman year marked by culture shock and academic difficulties, Michael found himself unable to afford the trip home to California, or even a place to live in Philadelphia. He sought shelter at the old Greyhound Bus Station at 18th and Market Streets, where he found a community of homeless people beneath the city. Later that summer he got involved with a church street theater group and was taken in by the church until he found a job as a patient escort at Pennsylvania Hospital.

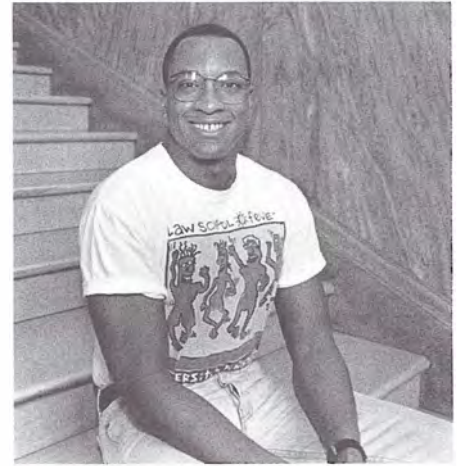
Michael returned to Los Angeles in the early 1980s but was drawn back to Philadelphia. He worked for Reliance Standard Insurance Co., where he was ultimately promoted to the position of administrative coordinator. He then

decided to resume his education, returning to Temple to earn a degree in French before coming to Penn Law.

At Penn, Michael is dedicated to improving the School through his work as Chair of the Post-Acceptance Process Committee, Vice President of the Council of Student Representatives, and Class Faculty Representative. The Committee is a new initiative to encourage admitted applicants to choose Penn, Michael explained. He believes that Penn has been "losing too many students to peer schools," and that this problem can be solved with the help of "energized people committed to Penn Law." Working with Dean Diver and Assistant Dean of Admissions Austin, the Committee has reached out to admitted applicants through mailings and phonathons, and has enhanced the First Appeal program and student tours. Michael hopes to establish a toll-free information line for applicants in the future. As Vice President of C.S.R. and Faculty Representative, Michael serves as a self-declared "clearinghouse" for student complaints. His concerns range from faculty hiring and the barring of firms that discriminate from on-campus recruiting to recycling, prices at the Stern dining commons, and building maintenance.

Of his many activities and achievements at Penn, one stands out as his "proudest moment," Michael laughed: his performance on the intramural gridiron. He's played Penn Law football for two years and this season became the oldest player ever to score in the league, at the age of 35.

Michael looks forward to the summer when he will be a summer associate at Montgomery, McCracken, Walker & Rhoads, beginning to make yet another transition in his life: from law student to lawyer.



*Michael Williams '96*

## The Value of a Penn Law Education

“Law school teaches you as much as possible about the structure of society,” believes **RUSSELL KANJORSKI '97**, who traded the life of a First Lieutenant in the U.S. Army for that of a first-year student at Penn. “Like history, law shows where we came from and where we’re heading,” he observes. A legal education will also provide an excellent background for Russell’s career interests in entrepreneurship and public service.

Russell’s interest in entrepreneurship may lead him to join his brother in his business, which buys and sells high technology companies with growth potential. His interest in public service may lead him back to politics, an area he explored by working for Senator Harris Wofford (D., Pa.) in 1991. Russell joined the Wofford campaign after graduating from college and then worked in the Senator’s office after his election. This experience lessened Russell’s “skepticism” about politics — a skepticism that



above

*Charlotte Lacroix '97*

right

*Alumni contributions to the Law School need not be purely financial. For example, alumni may assist students through Career Planning and Placement activities such as the mock interview training program.*



## The Future of Veterinary Law

Veterinarian **CHARLOTTE LACROIX '97** hopes to make a lasting contribution to the veterinary profession through the growing field of veterinary law. Her interest in the law began when, as a veterinary student at U.C. Davis, she attended lectures by Penn Vet School Professor James Wilson, a lawyer and veterinarian who became her mentor. Charlotte gained firsthand exposure to veterinary legal issues during her years as an equine veterinarian treating show horses. In addition to the legal problems of running a practice, Charlotte observed legal disputes among parties in the equine industry, including breeders, owners, show operators, and insurers. For example, Charlotte notes that most horse-dealing is based on easily forgotten or misunderstood oral agreements rather than written contracts that may minimize disputes. Issues of malpractice, patent, ethics, and government regulation are also of critical concern to the profession, she learned.

Charlotte is also concerned about the volatile area of animal rights. In her opinion, more emphasis should be placed on preventing the abuse of animals in the real world, such as the recently publicized insurance killings of show horses, rather than on the activities of research labs where valuable research is performed on controlled populations using human procedures. “Animal rights activists raise consciousness, but animals can’t surpass human needs,” she said.





he believes is shared by many “people who are outside the [political] process.” He came to view politics as a vehicle for positive social change, citing Senator Wofford’s accomplishment as the “prime force” behind that National Service Corps, a domestic initiative similar to but more extensive than the Peace Corps was at its peak. Russell remains attracted by the “ability to influence debate” through politics, but believes

that private enterprise, as well as public service, may effect positive change through such means as job creation.

Russell is a third-generation Penn Law student, following his grandfather, the late A. Peter Kanjorski, Sr. ’22, and his father, administrative law judge A. Peter Kanjorski, Jr. ’60. Regardless of the career path he chooses, Russell believes that his Penn Law education will prove invaluable. “You understand society if you understand the law.”



*Russell Kanjorski '97*

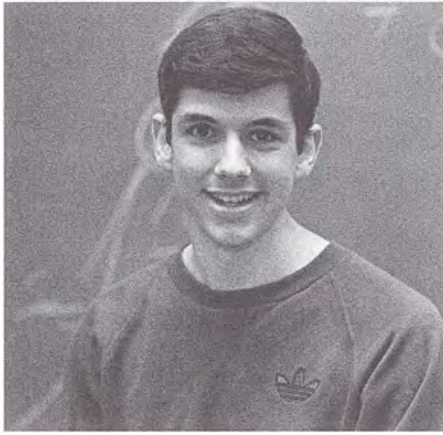
## Penn and the Community

MEERA CATTAFESTA ’95 has experienced Penn as both a resident of West Philadelphia and a student. She tries to “get the best of both worlds”: the renowned faculty, facilities and resources of Penn coupled with life in a community that is “a microcosm of what America should stand for.” Growing up on 48th Street, Meera understood the tension that surrounds Penn’s presence in a neighborhood where some residents criticize Penn students for “flashing their money around, leaving trash behind, and ruining beautiful houses” and where few Penn students ever get to know the integrated, stable community just beyond the campus. Most Penn students will never experience “modern life in the city that works [and] ways of keeping a community together,” Meera said. She is disappointed that the divide between Penn students and West Philadelphia is increasing as more students choose to live in other neighborhoods; she encourages Penn students to give West Philadelphia a chance and to learn from the community’s rich mix of people, including recent immigrants from Laos, Cambodia, Ethiopia, and the Ivory Coast.

Meera’s experience of a successful, diverse urban neighborhood fostered her interest in sociology, which she pursued as an undergraduate at Penn. Prior to studying at Penn, Meera had begun college as a criminal justice major at Temple. She remains interested in criminal law issues, and advocates community policing and town watch programs. She plans to begin her legal career in private practice, specializing in white collar criminal defense.

*Meera Cattafesta '95*





*Frank Scaturro '97*

## **A Vision of Government As It Should Be**

FRANK SCATURRO '97 has learned the hard way that when it comes to federal bureaucracy, things are not always what they seem. In the course of his three-year battle to improve the deplorable conditions at Grant's Tomb National Memorial — an effort that has received national media attention — Frank has found that our “most beloved federal bureaucracy,” the National Park Service, has “lost its sense of duty to the public” and operates under a reversed

incentive system where “stagnation and inaction are rewarded; action and achievement are not.” Rather than striving to maintain the Tomb and interpret it for visitors, the Park Service has engaged in a course of “mismanagement going beyond omission and neglect to active destruction of original features,” Frank said. Consequently, there is “not a more neglected and abused national park” than Grant's Tomb. But Frank is fighting to change all that.

As a college student at Columbia, Frank volunteered to work at the Tomb because of his interest in Grant, whom he describes as a “singularly misunderstood and underappreciated” president. He found a decaying site, littered with crack vials and refuse, stinking of human waste, and plagued by structural problems. Frank attempted to address these issues through internal Park Service channels, but his proposals were met with indifference culminating in outright resistance. Realizing that “something was wrong with the system [where] bureaucracy diverged from its mission,” Frank decided he had no alternative but to blow the whistle.

Frank completed his whistle-blowing report on September 29, 1993. It totalled 325 pages, including exhibits. He distributed it to the media and received coverage from the Associated Press and NBC's New York City affiliate, among others. A lawsuit followed in which Frank and others,



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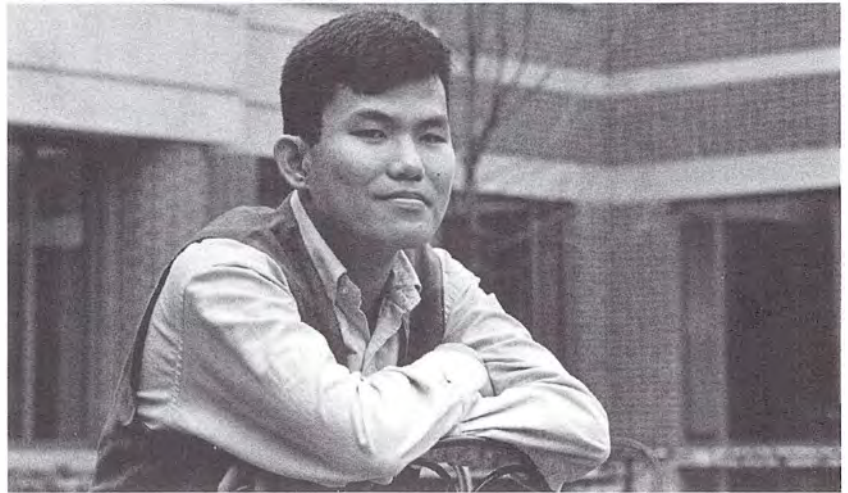
*Students relax in the courtyard,  
viewed from Tanenbaum Hall.*



including Grant's descendants, are seeking to force the Park Service to repair and maintain the Tomb. In addition, the Grant's Tomb National Memorial Act, H.R. 4393, will be reintroduced during the next congressional term.

Ironically, Frank considers himself indebted to the Park Service, which has provided an exceptionally challenging experience. "I discovered who I was by this experience," Frank said. "To give up in this case would represent a broader surrender of those values that have come to be meaningful to me."

Frank remains drawn to government-related work and the idea of government as it should be. The premise of bureaucracy, he believes, is a meritocracy where "pure knowledge, pure talent" prevail beyond the "corrupting influence of politics." He hopes to challenge and reform the current bureaucratic culture which, in his opinion, "discourages the very ends administrative law should serve." In the meantime, he enjoys the open, friendly environment of Penn Law, where the battle for Grant's Tomb "supplements rather than consumes" his life.



*Quang Ha '96*

## **F**rom Saigon to Penn Law

While America watched Saigon fall to the Viet Cong in 1975, QUANG HA '96 climbed aboard a helicopter at the American Embassy with his parents and brother, beginning a journey that would lead the four-year-old refugee to Miami, Harvard College, and Penn Law School. "My parents' lives were shattered, and my life was turned upside down" by the war, he said.

Quang's father, a Korean-born portrait artist, immigrated to Vietnam in the 1960s, settling in Da Nang where he met and married Quang's mother. The family fled to the relative safety of Saigon in 1972. After making their way to the U.S., they chose Miami as their new home because Quang's father believed the city offered favorable business prospects and less likelihood of racial conflict than cities that had experienced a large influx of Asian immigrants. One of few Asian children in his neighborhood, Quang experienced "some childhood jokes [and] some ignorance," but learned that despite "cultural differences, people are basically the same."

Growing up, Quang avoided confronting his own and his parents' painful memories of the war. He learned more about the conflict during college and came to appreciate the inconsistencies and complexities of the American and Vietnamese perspectives. For example, Quang observed, while most Americans viewed Ho Chi Minh as a dictator, many Vietnamese characterized him as "a patriot fighting for the people... a Southeast Asian version of Robin Hood."

Quang's college education also taught him to question authority, a departure from an upbringing which, he said, emphasized "a reverence for authority and age" and an unquestioning acceptance of what he was told. Quang grew to value the critical reasoning and independent thought inherent in the law, as well as the profession's ability to "break[ ] hierarchical barriers." He looks forward to the "opportunity to destroy stereotypes" that persist because relatively few Asian-Americans have become lawyers. An associate editor of the *Law Review*, Quang will begin his legal career as a summer associate at Rogers & Wells in New York.

# Calendar

## FEBRUARY

*Wednesday, February 1, 1995*

Raymond Pace and Sadie Tanner  
Mossell Alexander Distinguished  
Lecture

Director-Counsel of the NAACP Legal  
Defense and Educational Fund,  
Elaine Jones  
Time and Place to be determined

*Wednesday, February 8, 1995*

Law Alumni Society Reception in  
conjunction with the Midyear Meeting  
of the American Bar Association  
6:00 - 8:00 pm  
Hotel Inter-Continental  
The Gusman Room, Lobby Level  
Miami

## MARCH

*Tuesday, March 14, 1995*

Law School Board of Overseers Meeting  
9:00 am  
The Law School

Women In Judging Panel with U.S.  
Supreme Court Justices Ruth Bader-  
Ginsburg and Sandra Day O'Connor  
and alumnae judges Hons. Linda  
Bernstein '72, Phyllis Kravitch '44,  
Frederica Massiah-Jackson '74, Sue  
Lewis Robinson '78, Norma L. Shapiro  
'51, Carolyn Engel Temin '58, and  
Helene Nita White '78  
1:00 - 5:00 pm  
Zellerbach Theater, The Annenberg  
Center

*Thursday, March 16, 1995*

Irving R. Segal Lecture in Trial  
Advocacy  
Hon. J. Clifford Wallace, Chief Judge  
of the U.S. Court of Appeals for the  
Ninth Circuit  
4:00 pm  
Room 214, The Law School

*Wednesday, March 22, 1995*

The Institute for Law and Economics  
Distinguished Jurist Series  
Hon. Stephen Williams,  
U.S. Court of Appeals for the District  
of Columbia Circuit  
4:00 pm  
Room 100, The Law School  
Reception following lecture for all  
attendees  
The Goat

*Tuesday, March 28, 1995*

Law Alumni Society Reception  
Los Angeles  
Time and Place to be determined

## APRIL

*Tuesday, April 11, 1995*

Irving R. Segal Lecture in  
Trial Advocacy  
Robert S. Bennett, Partner, Skadden,  
Arps, Slate, Meagher & Flom  
4:00 pm  
Room 214, The Law School

*Wednesday, April 26, 1995*

Law Alumni Society Board of  
Managers Meeting  
Time and Place to be determined

## MAY

*Friday-Sunday, May 19 through 21, 1995*

Alumni Weekend '95  
All alumni, and particularly those in the  
Classes of '30, '35, '40, '45, '50, '55, '60,  
'65, '70, '75, '80, '85, and '90, are invited  
to the Law School.

*Monday, May 22, 1995*

Law School Commencement  
2:00 pm  
The Academy of Music  
Philadelphia

## JUNE

*Saturday, June 10, 1995*

Penn Law European Society Meeting  
and Dinner  
Brussels, Belgium

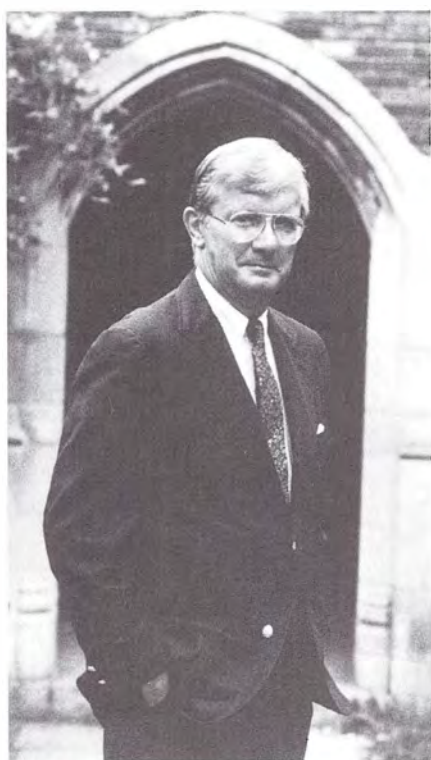
*For information on these and other Law  
School events, please call Alexandra  
Morigi, Director of the Alumni Office  
(215) 898-6303*



# Docket

## GETTING TO KNOW PROFESSOR GEOFFREY C. HAZARD, JR.

by Patricia Proctor '91



Geoffrey C. Hazard, Jr.,  
Trustee Professor of Law

*Last July, PROFESSOR GEOFFREY C. HAZARD, Jr., a preeminent voice in the fields of civil procedure and legal ethics, left Yale Law School after 24 years to accept a chair as Penn Law School's Trustee Professor of Law. For the last ten years, Professor Hazard had commuted to Philadelphia for his job as Director of the American Law Institute, which publishes the Restatements of the Law. In this interview, Professor Hazard discusses his career, his views on legal teaching, and the pervasive problems confronting the legal profession.*

On a spectacularly warm, sunny day last November, Professor Hazard was hard at work in his large, light-filled office at ALI, busily typing what will likely become standard blackletter law. By all accounts, Professor Hazard is a busy man making an apparently painless transition, working as always at improving the law. Professor Hazard invites visitors to sit in a chair next to his desk, not across from it, as he turns away from his blinking computer screen for an interview during which he will be interrupted by telephone calls from a *Newsweek* reporter and a fellow academic seeking a professional reference, and by a visit from a lawyer regarding a case in which he has been retained as an expert witness. A large piece of modern artwork hangs on the wall facing his desk, and framed photographs of his family are scattered about the room.

Professor Hazard reports that his transition from Yale to Penn has been "quite comfortable, actually." He particularly likes the fact that at Penn he has "some younger colleagues, some of whom are former students of mine." The Penn professors he taught at Yale Law School include Susan P. Sturm, Michael A. Fitts, and Seth Kreimer. He conferred on a paper with William B. Ewald before he came to Penn, and has long known a number of other professors, including Stephen B. Burbank, Charles W. Mooney, Jr., Howard Lesnick, A. Leo Levin, Hon. Louis H. Pollak, and Clyde W. Summers.

"It was a very friendly entrance," he said. "I would have continued my life, I think, as it had been were it not for the fact that this opportunity presented itself and [it] greatly simplifies my life to carry both jobs in the same town."

Professor Hazard also likes the students at Penn. "The students are good students," he said. "They haven't had the same measure of self-confidence going on arrogance that sometimes you saw at Yale, and I think to some extent this thing is true of the faculty, but I find that on a whole, becoming."

According to Dean Colin S. Diver, Professor Hazard's new job is the culmination of a long history and courtship between the Professor and Penn Law School. "He brings a lot of things to

Penn Law,” Dean Diver said, one of the most valuable things being “his degree of hard-headed familiarity with what’s going on in the profession.”

“He single-handedly bridges the gap — some say gulf — between the practice of law and the academy,” Dean Diver said. “One frequent criticism from the bar is that law schools are too academic and too theoretical and too far removed from the actual practice. Professor Hazard is the ideal refutation to that argument, or is at least the ideal person to help refute it. He is not just a lawyer who teaches, though. He is a very, very able academic; he is a teacher and a scholar and a lawyer. He may identify himself as a lawyer who teaches, but he is equally all three.”

Indeed, Professor Hazard’s “hard-headed familiarity” with the profession is apparent. He brings it to bear in the classroom, and in discussing the practice and the teaching of law.

### AN ACADEMICIAN AND PRACTITIONER IN THE CLASSROOM

Professor Hazard believes it is important to teach students to analyze what is going on in the minds of the people who decide what the law is — judges, legislators, and officials.

“Part of teaching is what the technical law is and in that regard, learning to read a rule or a statute and ask yourself: What do these words mean? What do they signify? Where do they come from? What’s their background? What do they portend for the future, reading the facts of cases so that you can really bring a mental image of what the transaction was, bring that into mind. That’s the technical part,” Professor Hazard said. “Then you have asking the question about the frame of reference — the world view — that the particular official or judge or the legislator might have that led them to say the things in law that they said, when they decided the case or wrote a statute.”

Lawyers-to-be must ask this because, according to Professor Hazard, “Only if you reflect on that and make inquiries about that can you understand more fully what it is they are trying to say and what they are trying to conceal and not say. And you have to know that ... to understand the law of the scholar and certainly you have to have an appreciation for it to be a lawyer.”

Professor Hazard also thinks it is important to present his “lawyerly” image, not just his academic one, when teaching. “I consider myself presenting to the students myself as a lawyer,” he said. “So I am simultaneously a student of the law and an academician in the proper sense of the word, and a practitioner who is explaining to some new recruits some aspects of the craft or art of how we do things here in this line of work. So all that is going on simultaneously — making statements that have significance at all those levels of meaning at any given time. So sometimes it is difficult for the students to sort out what level you’re talking about, but that’s part of the game too.”

### A MORALLY TROUBLESOME AND AMBIGUOUS LINE OF WORK

Penn Law students will undoubtedly be privy to Professor Hazard’s unsparing insights regarding the problems plaguing the profession today. Most Penn Law graduates enter private practice after graduation, “about the same ratio as Yale,” Professor Hazard wryly noted, “although the Yale students didn’t know it.” As widely reflected in the media, many lawyers are dissatisfied, he said.

Changes in people’s values and ideas about a just society, rather than changes in the practice generally, may account for much job dissatisfaction, Professor Hazard said. “I think a lot of private practice is very grueling and very morally distasteful, if not repugnant. I think it’s always been that way,” he said. “It certainly was that way when I entered law practice 40 years ago, though maybe it

wasn’t quite so vividly so, but if it was not vivid it was because perhaps our minds had not been sensitized to the problems we were dealing with as they then existed.”

However, Professor Hazard said, “In general, it has been a good thing that we went through the period of the ’60s and ’70s... inviting the middle class, particularly the intellectual middle class, to think about social justice, because I can tell you in my day of law school it was a minority proposition,” he said. “But since then we had the upheavals of civil rights and Vietnam and so on. That said, what I think that did was awaken people’s minds to ugly realities that we had not wished to address.”

Professor Hazard believes the focus of legal education also may be partly to blame for lawyer dissatisfaction. “The thing that’s bothered me for the last 25 years teaching has been that the academic branch of the profession to a large extent has been preoccupied with the Kennedy/Johnson concept of the capacity of law to work out a better society, the Great Society, and to order things in a direction of greater justice and equality,” he said. “The suggestion is that the normal vocation of lawyers is to argue Supreme Court cases or for extensions of equal protection or protection of consumers or civil rights or something like that. So we have a whole cohort of law graduates who have come out of law school thinking that that’s the main thing that lawyers do. That’s the thing that some lawyers do, but it’s very, very few, and most of those work at relatively low pay.”

For new lawyers who think they will be working toward goals of greater social justice, “[i]f that was your expectation, then private practice is really just terrible,” Professor Hazard said. “On the other hand, if the expectation was much like people go to business school or accounting, you would think ‘my destiny is in the private sector and that’s a place where we are going to be



*"[T]he law has become much more difficult, because it's a practice that requires you to make sense out of profound political hypocrisy."*

struggling all the time with regulation and our frame of reference is going to be the local enterprise and not society at large.' So I think that there has been a very serious problem of misguided expectations and profoundly disappointed ones."

Private practice has indeed changed for the worse, however, according to Professor Hazard, who spent his first three years as a lawyer in private practice. "It is much more difficult, much more brutalizing," he said. "One of the ways in which it has changed is that government regulation goes deep into all kinds of human relations in a way that it didn't 40 years ago."

Professor Hazard, who graduated from Columbia Law School the year the Supreme Court decided *Brown v. Board of Education*, said that until that decision and the Supreme Court's one-person one-vote decision in *Reynolds v. Sims*, "fundamental injustices were just regarded as unavoidable or at least situations unavoidable in the near term and they were part of received existence and they couldn't be changed."

After those decisions, "We said no, we're going to change it, we're going to make brand new rules of the game for race and then we got gender and we got age and we got religion, and now we've got sexual preference," Professor Hazard said. "Those rules require examination of intimate human relations: employment, appraisal and employment; advancement; promotion. They get into ugly questions of fairness, what do you mean by 'merit' in a society that is ostensibly committed to merit."

Another difficulty for lawyers, Professor Hazard observed, is that government is "hypocritical" regarding enforcement of enhanced regulation in the "improved" society, which Professor Hazard says is "the price of trying to

have Great Society legislation in a society that wants to profess that publicly but privately doesn't want to do it.

"Government has not adjusted its scheme of enforcement, particularly, so that it really enforces most of the laws. This is one of the most pervasive forms of hypocrisy," he said. For example, "The Internal Revenue Code is set up in a way that there are lots of things that will go unnoticed... [W]ith race and gender, [if] you know how to handle things right you can pretty well avoid detection, just don't make any nasty words and don't be high visibility and you'll be all right. But you'll be violating the law... The immigration law is another one. Just nonsense. *Designed* not to be complied with."

This emphasis on the rewards of low visibility plays itself out in every law, Professor Hazard said. For example, "Should the managers file this thing? Should they report it? Should they do this, should they do that? And if the lawyers gave the law the same meaning that the regulators wish they were, they'd be just turning their clients in right and left," he said. This creates difficulty for well-meaning lawyers, Professor Hazard said. "Now what is a lawyer supposed to do in a situation where the society is systematically engaged in hypocrisy about its own rules?" he asked. "I think that the law has become much more difficult, because it's a practice that requires you to make sense out of profound political hypocrisy. So if you put these two going simultaneously, the expectations are going up and the reality is becoming worse, that's a condition of profound dissatisfaction."

Professor Hazard believes his career path as an academician and legal scholar, combined with his willingness to face these issues head-on, makes his career as a lawyer tolerable. "How I've coped with it in my own life is to accept the fact that the society is pervasively an hypocrisy," he said. "I would rather face that as a reality than pretend it doesn't exist, and then figure I'm doing well enough in my line of work that I don't have to be an instrument of that so I can live my life in a way I find reasonably acceptable."

Professor Hazard's advice to new lawyers departing the ivied halls of Penn Law School for a career in private practice? "If you can't stand the taint of dealing with hypocrisy, get some other line of work. It is not that the other lines of work are morally free," he explained. "There are problems there, too. But, this is a very morally troublesome and ambiguous line of work. If that bothers you, you can be a sword of the Lord if you want and be a state prosecutor, if you happen to imagine for a moment that that's free of moral dilemmas, which it isn't, or you can get out. If you're not getting out, you're getting in. I don't want you to come into this either with cold cynicism or with diluted idealism. I want you to come into it with very guarded idealism and tough-minded realism and it will be a morally ambiguous activity for the rest of your life. But, if you are smart and adroit and hard-working, you can make it through in a tolerable way and I guarantee you it will be interesting."

## ETHICS AND THE SENIOR STATESMAN

Professor Hazard is widely recognized as one of the top names in legal academia, particularly in his areas of expertise — civil procedure and legal ethics. He is especially well-known for his work as a consultant evaluating the ethical propriety of attorney conduct. Regarding the increased litigation involving the ethical

*Lawyers should approach the practice with “very guarded idealism and tough-minded realism. [I]t will be a morally ambiguous activity... and I guarantee you it will be interesting.”*

propriety of actions by lawyers, Professor Hazard said, “[I]t didn’t exist 25 years ago, and barely existed 15 years ago.”

Professor Hazard does not believe that charges of ethical improprieties by attorneys are merely another litigation tactic. “I think that a number of times they complain about it being brought as a mere tactical device, but, at least in my observation, usually even the other side has got something to say,” he said. “There are some baseless ones, but, I think it’s to say that lawyers are accountable according to law like everyone else... I get a chance to be a pronouncer of that... in a lot of these disqualifications.”

On the subject of legal ethics, Professor Hazard said, “I’m now getting to the point where I am a senior statesman so, as a friend of mine once said, I’m now of the status in life where the mere fact that I say something is authority all by itself. I’m not sure I believe that, but, you know, people profess to be interested in my opinions, of which I have many, and they don’t expect me to write as much. But I still do a treatise revision every year, and I’ve got a book in progress, and an article, and I’m reading for another book. I do my monthly newspaper article and occasionally a little lecture. [T]he variety is fine, and... I find that trying to tell it like it is is gratifying.” Professor Hazard also plans to write a book on general ethics, as opposed to legal ethics. “[I]t relieves my own sense of indignation,” he said, to express his opinions regarding legal issues and societal conduct.

Professor Hazard said lawyers need to be affirmed in their belief that there are problems with society at large, and with their profession. “I find that when I talk to lawyers straight from the shoulder about the ethical dilemmas of law practice, they think they’ve been in church, not because I’ve revealed a great new religion, but because I have said we are sinners,” he said. “Sin is going on all around us, a depressed metaphor, and it will be all right if you acknowledge that that’s true instead of having to pretend and therefore drive yourself crazy by imagining that this isn’t happening. We are trying to be moral men in what is obviously an immoral society.”

Despite his recognition of its problems, Professor Hazard’s view of American society is basically positive. “I don’t mean it’s a wicked society,” he said. “I think American society, taken one thing and another, is the best in the world, but that says something about the world.”

He extends this view to law. “I feel very much that way about our society and I guess really about our profession,” he said. “I don’t think that there is a legal profession in the rest of the world that has an exemplar of virtues. I mean some of them are better in certain respects, but I don’t think of any society where they have the combination of peculiar virtues and vices that we have. So, I have a daughter who is a lawyer and I have a son who is a lawyer and I’m proud of them, and they know there are difficulties. I’ve never told them there weren’t. There is a wonderful book called *I Never Promised You a Rose Garden*. I never promised you perfect justice, I never promised you that you would see the truth, all I did was to help you work toward these things. And that’s the way I feel about teaching.”

## AT HOME WITH ELIZABETH

Professor Hazard and his wife, Elizabeth, have settled into their new Chestnut Hill home a half-block from the train station. Professor Hazard often repeats that he “reverses” his private life and said one of the most important things to understand about him is that he thinks the maintenance of a private life is very important. “The task of living the role of parent and of spouse is very important to me,” he said. “I think that in the standard report it says career, career, career, but I don’t consider myself to be a workaholic. I refer to myself jokingly as a workaholic, but I’m not really. I work a lot and I work hard and I don’t do a lot of other things, but I work because I enjoy it and I also reserve care and attention for my family.”

Professor Hazard credits his private life with providing him with the grounding he needs for success in all aspects of his career. “I think the establishment of a private existence sufficient unto one’s self to those immediately around you, at least for me, has been a means of coping going on contentment, sufficiency,” he said. “I think that it also gives you a reserve, a place to be from... [I]f people want to know what I think about something I will tell them. And that’s because I feel sufficient, and I think that’s because I feel that I’ve got at least one foot on the ground most of the time and that’s a pretty good batting average by any means.”

PATRICIA PROCTOR '91 is a litigation associate at Drinker Biddle & Reath in Philadelphia.



# Faculty Excerpts



Regina Austin 73

## MOVING BEYOND "DEVIANCE": EXPANDING BLACK PEOPLE'S RIGHTS AND REASONS TO SHOP AND TO SELL

by Regina Austin

*In this excerpt based on her article, "A Nation of Thieves: Securing Black People's Right to Shop and to Sell in White America," 1994 Utah Law Review 149, which has received a significant degree of attention from the national media, PROFESSOR REGINA AUSTIN examines the causes and consequences of discrimination against blacks who seek to participate in the economic life of the country as consumers and producers. These inequities in the marketplace should be addressed by increasing black consumption and commerce. Professor Austin argues, calling for fundamental changes in black cultural attitudes toward entrepreneurship as well as ongoing antidiscrimination efforts in the legal arena, which will enhance the status of blacks and improve the American economy overall.*

On November 6, 1994, the *New York Times Magazine* ran a cover story by Howard Kohn entitled "Service with a Sneer." The article described the discriminatory service accorded black customers at Denny's Restaurants and reported on the events that culminated in a \$54.4 million settlement of a class action brought against the chain under the public accommodation provisions of the Civil Rights Act of 1964. What happened to the black customers at Denny's is not all that unusual; for many blacks seeking to dine out, refusals to serve, slow service, impromptu cover charges, and *ad hoc* requests for payment before the food is delivered are par for the course. What is unusual about the Denny's case is that Denny's was sued and, though it felt unable to admit its guilt, had to pay for the rude and biased conduct of its employees.

Despite the passage of state and federal antidiscrimination and public accommodations laws, blacks are still fighting for the right to engage in everyday, ordinary commercial transactions, like buying a meal in a restaurant or purchasing merchandise in a store, on a nondiscriminatory basis. More than that, they are still fighting for the right, if not the reason, to sell goods and services themselves. Because blacks have not yet secured these rights, many of us

who have the temerity to shop or to sell are treated like economic deviants, *i.e.*, we are treated like thieves, dead-beats, and con artists.

Any kind of ordinary face-to-face retail transaction can turn into a hassle for a black person. For example, there can hardly be a black in urban America who has not been either denied entry to a store, closely watched, snubbed, questioned about her or his ability to pay for an item, or stopped and detained for shoplifting. Some salespeople are slow to wait on blacks and rude when they do, while others are too quick to wait on blacks whom they practically shove out the door. Although anecdotal evidence suggests that men are more likely to encounter such treatment, women are also so victimized. Even the youngest black consumers must deal with a good bit of distrust.

The harm that blacks suffer from disrespectful and disparate treatment in commercial situations goes beyond psychological pain and the emotional stinging of injustice. The discriminatory service blacks experience in common, ordinary commercial transactions is economic exploitation. If blacks pay the same prices as everyone else and get less in the way of service or merchandise, we are being cheated. Moreover, discriminatory service narrows blacks' choices regarding where to consume and impedes our ability to enter into efficient commercial transactions. At the same time, those merchants holding themselves out as being "willing" to deal with blacks can extract a premium for doing so. In addition, many of the maneuvers blacks employ to make consumption easier entail costs that add to the price of purchases. For example, many blacks try to prove themselves to be worthy consumers, *i.e.*, we sell ourselves in order to be sold to. We dress up to go shopping or we give generous tips despite poor service in an effort to debunk the common complaint that blacks do not tip well. These role-

reversal techniques (which confuse the matter of who is selling what to whom) increase the costs of going shopping, if not the amount actually spent on purchases.

Finally, whites too are exploited by the disparate treatment blacks receive (though whites hardly seem to notice). Whites who believe that concerns which discourage black patronage are more desirable than those that do not, pay a price for such exclusivity that has nothing to do with the quality of the goods or services otherwise provided. Blacks who scale the barriers these firms erect to bar them get similarly gypped for their effort. Of course, whites who shop for exclusivity may simply be responding to the reality that when a concern begins to serve a disproportionate number of blacks, the quality of goods and services declines.

The law plays a role in the construction of black consumption as deviance, both as an excuse for merchant behavior and as an ineffective shield against discriminatory treatment. The proprietors of retail businesses maintain that they resort to tight security and extensive surveillance of blacks and others because the laws designed to deter and punish shoplifting are allegedly inefficient and ineffective. Merchant detention statutes privilege storeowners to search and detain in a reasonable manner shoppers reasonably suspected of shoplifting. However, a storeowner risks being sued for false imprisonment if the detention proves to have been unwarranted. Criminal prosecution of shoplifters ties up sales clerks and security officers who must appear as witnesses and leaves valuable merchandise in the hands of the police until the matter is resolved. Shoplifting cases are not given much attention by the criminal justice system; in some jurisdictions storeowners must hire lawyers to prosecute the cases themselves. Civil recovery laws entitle storeowners to recoup damages and penalties from shoplifters, but the civil process does not generate as much deterrence as criminal prosecutions do, and many shoplifters lack the funds to pay a monetary judgment.

Forced in their view to rely on security and surveillance, storeowners especially target blacks because (1) blacks are supposedly overrepresented among lawbreakers and (2) storeowners cannot discern a law-abiding black from a potentially law-defying black. There is little in the law to prevent merchants from proceeding on these assumptions. Despite the ubiquity of blacks' experiences of discrimination, case law suggests that storeowners have rarely been charged with watching, detaining, or deterring shoppers in a racially biased way. When so attacked, storeowners have invoked the objective evidence of shoplifter profiles to justify their conduct, though this defense does not always succeed.

Furthermore, in the broad range of commercial settings where exclusionary or otherwise discriminatory service is against the law, enforcement is either slack or nonexistent. Violations of blacks' right to consume in a nondiscriminatory way are dismissed as rudeness and incivility, or otherwise treated like social problems that are simply beyond the power of the law to control. In the absence of effective mechanisms for dealing with discriminatory service in systemic terms, acts of mistreatment are experienced as mere isolated, subjectively-felt wrongs. Except in the most egregious circumstances, the discriminatory service blacks encounter as consumers is not amenable to the law's policing.

### *Selling as Deviance Too*

Blacks might be less victimized as consumers if blacks themselves were more engaged in commercial activities as producers and purveyors of goods and services. That they are not so engaged is the result of a complex interaction of cultural norms and material impediments that originate from a number of sources including the law.



Apart from any negative assessments the dominant culture might disseminate regarding black business, there are elements of black culture that discourage commercial activity and entrepreneurship. In his book *Black Folk's Guide to Business Success*, George Subira lists a score of notions that make black entrepreneurship seem like deviant behavior, including: blacks are a poor people relegated to consuming as opposed to producing wealth; money and the love of it are the root of all evil; wealth is only made through the exploitation of others; one must have money to make money; white people are not going to let blacks make any real money; a lot of money weakens one's character; money is not the key to a happy, fulfilling life; and the government takes anything that one earns in taxes.

The attitudes that keep blacks from entering into business also affect their patronage of black concerns. As suggested above, blacks are exceptionally exploited consumers and as a result are suspicious of entrepreneurs, black, white, brown, or yellow, but most especially black. Black consumers simply do not believe that black concerns offer quality goods and services at reasonable prices. The wariness extends to professionals as well; there are a number of black people who, if given a choice, prefer a white lawyer to a black one.

The anticommercial bias or sentiments that are an aspect of black culture deter some blacks from going into business, but not all. Interest among blacks in running their own businesses and working for themselves is growing. Indeed, the actual minuscule participation of blacks in the business sector is hardly a matter of choice.

Blacks' negative evaluation of commercial activity reflects the experiences of a law-abiding working class that has struggled mightily to hold on to low-paying, low-status jobs and a middle class that has achieved its position through government and professional service, and not through self-employment and business ownership. This state of affairs is the product of the notable lack of success of black businesses. The

systematic destruction of black commerce and the repression of the development of a black commercial consciousness left blacks with little choice but to disparage entrepreneurship and seek our livelihoods elsewhere.

There have been and still are scores of structural impediments to black entrepreneurship. Black business development has been impeded by the refusal of banks and other financial institutions to extend credit to black businesses on account of geographical redlining and the race of the borrower. Discrimination in the labor market makes it difficult for blacks to amass capital for investment in a business. Friends and family, possible sources of start-up equity, are no better situated than the would-be entrepreneur. Moreover, blacks' foreclosure from the skilled labor trades has impeded blacks' acquisition of the skills and experience required for self-employment. Black businesses have also been restricted to segregated markets that offer little potential for growth.

The law has thrown its share of obstacles in the way of black economic development. At least since the end of Reconstruction, licensing requirements, for example, have made it difficult for blacks to engage in legitimate small business activity ranging from cab driving and street vending to hair styling and home repair. In addition, the law has also failed to come to the aid of black businesspersons victimized by anticompetitive behavior, however violent and pernicious.

Given the difficulties blacks have encountered in running their own concerns legally or otherwise, blacks who could find some kind of job perhaps rightly concluded that the opportunity costs associated with forgoing employment and going into business for themselves were too high. Since the material conditions unfavorable to black enterprise did not change, the anticommercial attitudes perpetuated themselves.

### *Increasing Black Consumption and Commerce*

Thus, blacks are condemned and exploited when they engage in consumption, and condemned and impeded when they engage in commerce. The construction of black consumption and commerce as forms of deviance reinforce one another, both culturally and materially. Consumption and commerce, however, are both essential to black advancement. Their significance must be reevaluated and the "deviance" that each supposedly reflects must be embraced.

As a first step, blacks need to realize that their consumption and commerce, however socially censured or discouraged it may be, is desirable and can advance our pursuit of the good life for ourselves and our children. Generating collective pro-production, pro-distribution attitudes is one place to start. Black people talk about shopping all the time; shopping is a form of performance and entertainment and the occasion for black/white and black/nonblack interactions and confrontations. But so is selling. Blacks need a set of stories and practices that pertain to the production and distribution side of commercial transactions. We need narratives that debunk the lies about blacks and our money and about blacks and commerce that too many blacks believe. Blacks need to brag about our enterprising ancestors. Blacks need to tell complex and nuanced stories about black businesses.

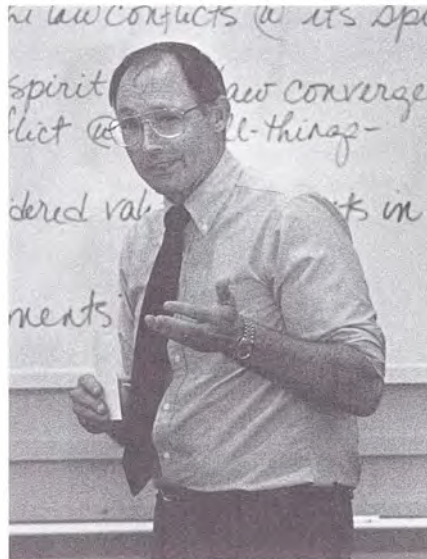
Those interested in the law should focus attention not only on discrimination in public accommodations, employment, and access to credit, but also on regulatory barriers and commercial disputes that reflect the subordinate status to which black business is relegated and the systematic exclusion of blacks from full participation in the sphere of commerce.

Fear of being unfairly used and lack of mutual trust make collective endeavors, be they families or factories, difficult for many black people. Blacks cannot realistically expect to effect

wholesale changes in the character of the American economy, but they can work to institutionalize mechanisms that (1) insure greater economic cooperation among blacks of different classes, (2) lessen the exploitation of black consumers by returning profits to the communities in which they are generated, and (3) ameliorate the great disparities in access to capital between rich and poor in general. The law might be helpful here in facilitating the development of new forms of cooperative behavior, like moneyless service exchanges or cooperative circles that allow participants possessing a broad range of skills and talents to swap time, labor and services.

To build a sense of mutual dependence and trust, blacks must create and articulate ethical ways of treating each other in commercial transactions. We need the cultural equivalent of a black commercial code that will create a climate in which black purveyors of products and services have the discipline to make good on their assurances of quality, and black purchasers, acting confidently in reliance, will look upon their patronage as a matter of commitment to a common, higher cause.

Black consumption would be facilitated by an increased number of black businesses providing alternative outlets for black customers. If these businesses employ blacks as well, they will contribute to an improvement in blacks' overall economic position, which should also ameliorate some of the troubles blacks incur in consuming. If blacks have greater economic clout, we might seem to be more worthy consumers and receive less discriminatory service. Of course, if blacks had greater economic clout, we might also care less about how we are treated in stores and restaurants. We would have more opportunities to invest our money if we chose not to spend it. In any event, we would certainly be less tempted to rely on costly and self-defeating ways to show that the construction of our commercial behavior as deviance is wrong.



Michael S. Moore

## JUDICIAL LOGIC — A CONTRADICTION IN TERMS?

by Michael S. Moore

*The following is an abridged version of one of the lectures PROFESSOR MICHAEL S. MOORE delivered at the "Jurisprudence for Judges" Conference held at Penn last September for federal district court judges. The Conference is described in greater detail in Symposium, page 6. In this lecture, Professor Moore elucidated the "curious relationship" between jurisprudence and logic. Professor Moore teaches legal philosophy, jurisprudence, and criminal law at Penn.*

Jurisprudence — which is the theory of how judges both do and should judge cases — has had a curious relationship to logic, in that the role of logic in judicial reasoning has often been either wildly exaggerated or wildly denigrated. The exaggerations have often been in terms of likening law to geometry, and judicial reasoning to geometric proof; the denigrations have often been in terms of denying any role for logic in the tool-kit of judicial reasoning. Both the exaggerations and the denigrations miss the limited but important role for logic in the reasoning of judges.

The beginning of wisdom here is to be clear about what we mean by "logic." What I refer to when I use the word is standard deductive logic. Such logic is made up of "rules of inference" such as that labelled by the Stoics as "modus ponens": "If a tree has acorns, then it is an oak; this tree has acorns; therefore, it is an oak." To reason according to the patterns of inference of standard, deductive logic is to reason validly, but such logical validity has nothing to do with the truth of the premises from which such reasoning proceeds. It might after all not be true that the only trees with acorns on them are oaks, and logic is silent about the truth of this factual premise. Rather,



logic only guarantees that, if the premises from which you reason are true, so must be your conclusions so long as you have followed the patterns of valid deductive inference. It is because of this that logic has been aptly described as our “truth-preserving engine.”

To see the limited but important role of logic in judicial reasoning, consider a hypothetical criminal case in which the defendant is charged with murder. Suppose the jury finds as a fact that the defendant intentionally killed another human being and that he was not provoked or of diminished mental capacity when he did so. The judge charges the jury with the law of murder typical of all jurisdictions within this country according to which the killing of another human being with malice aforethought is murder. The judge must also charge the jury with the legal meaning of “malice aforethought,” and such a charge should say: If anyone kills another human being intentionally, and without provocation or diminished mental capacity, then that person kills with malice aforethought, within the meaning of the law. Now by two applications of the rule of inference called *modus ponens* the jury should deduce that this defendant is guilty of murder. Schematized, the reasoning is:

Law: 1. If a defendant kills another human being with malice aforethought, then that defendant is guilty of murder.

Meaning: 2. If a defendant intentionally kills another human being without provocation or diminished mental capacity, then that defendant kills with malice aforethought.

Fact: 3. This defendant intentionally killed without provocation or diminished mental capacity.

Logic: 4. Therefore (from 2 and 3), this defendant killed with malice aforethought.

Logic: 5. Therefore (from 1 and 4), this defendant is guilty of murder.

I take the role of logic in such bits of legal reasoning to be undeniable. Equally undeniable, however, is how much work logic does *not* do in examples such as the one above. Logic is silent about the truth of premises of authoritative law such as premise 1 above. It is equally silent about the truth of factual premises, such as premise 3, and of those crucial interpretive premises, such as premise 2, that connect the law to the facts of a given case. All logic guarantees us is that, if these three premises are true, so must be the conclusion. Compared to the work done by theories of law, of facts and of interpretation, the work done by logic is not much — but it is not nothing, for without it, we could not reason, not as judges and not as rational beings. This is what I meant when I said that logic has an important but modest role to play in the reasoning of judges.

Despite this, the history of jurisprudence is littered with the corpses of theories that have seemingly denied logic a role in judicial reasoning. The most prominent of these critical theories is American legal realism, that loose assemblage of thinkers who regularly assailed the use of “logic” in judicial reasoning. Sometimes the legal realist critique was put in terms of impossibility: judges *cannot* deduce their decisions and thus, they neither do deduce them nor should they try to do so.

This impossibility argument has also been urged more recently by another group of critics, who style themselves “critical” this and that (critical legal studies, critical theory, critical feminist jurisprudence, or sometimes just “crits”). Yet all such criticisms have nothing to do with logic. Such criticisms typically make one of two points: either (1) that “fact is richer than diction” in the sense that novel cases outrun the capacity of any rule-maker to anticipate them in advance; or (2) that the law is rent by deep (“fundamental”) contradictions. From (1), it is inferred that nothing can be deduced from indeterminate legal premises, and from (2) it is inferred that anything (and thus, nothing *uniquely*) can be deduced from contradictory legal premises.

Worries about indeterminacy or contradictions within the law are not worries about logic. (Indeed, how could they be, since such worries are expressed in the form of valid deductive inference?) Rather, these legal realist and critical worries are worries about the system of rules that make up our law. They urge (rather implausibly, but that is another story) that there are too few or too many legal premises usable by a judge in deciding cases. These are not worries about the impossibility of judges making valid deductive inferences from those premises.

More interesting than these claims of *impossibility* are the legal realist claims against logic framed in terms of *undesirability*. Consider four such legal realist critiques, all sharing the common conclusion that it is undesirable for judges to deduce their decisions in disputed cases as a matter of strict logic.

The first is captured in the famous aphorism of Justice Holmes, a predecessor of the legal realists, who wrote in the pages of the *American Law Register* (the old name for the *University of Pennsylvania Law Review*):

*The life of the law has not been logic; it has been experience. The seed of every new growth within its sphere has been a felt necessity... The important phenomenon is... the justice and reasonableness of a decision, not its consistency with previously held views.*

These famous lines (quoted recently by Justice Stephen Breyer in his Senate confirmation hearings) seem to say that judges should not seek to use logic, at least when doing so excludes emotion, experience, and justice.

Yet often forgotten is the context in which Holmes’s famous aphorism was first uttered. Holmes was reviewing the 1879 edition of C.C. Langdell’s contracts casebook, a book in which Langdell proclaimed law to be a geometry-like science in that new legal premises could

be generated from a few axiomatic principles. One of Langdell's examples: The rule that there is no contract whenever an acceptance by the offeree, and revocation of offer by the offeror, cross each other in the mail can be deduced from the general principle that there is no contract unless there is a meeting of the minds. Holmes was attacking this mode of deriving new legal rules; he was thus attacking the Langdellian view that intermediate level legal rules required no policy-oriented justifications. In this attack Holmes was right. But notice that Holmes was not telling judges to be illogical, as if every so often he thought they should make a fallacious inference or two. Holmes was rightly questioning the supposedly value-free source for legal premises, not the use of logic in applying those premises to particular cases.

Justice Cardozo, another famous predecessor of the legal realists, also urged judges "to abandon logic for other guides." Yet like Holmes, Cardozo too cannot be construed to mean what he literally said. Consider one of Cardozo's examples where he eschewed the result that "strict logic," as he put it, would demand that the judge reach. The question presented was the duty owed in tort to a boy who injured himself on a plank extending from defendant's land over an adjacent river. If the boy had injured himself on defendant's land, prior decisions made clear that the defendant would owe him the limited duty owed trespassers. Strict adherence to logic, Cardozo argued, would require that a similar limited duty be owed when the boy trespassed over defendant's land to get onto the plank even though the plank extended out over the river not owned by defendant.

It should be clear what Cardozo means by "logic" here. He means formal equality, the good of like cases being treated alike. And Cardozo is right: equality is surely a good, but it is only one good among others, and sometimes the attainment of more compelling goods will demand of judges that they abandon "logic" (equality) for other

values. Equally plainly, however, abandoning equality as a value is not to abandon logic in the standard sense of the word. On the contrary, to reason about what equality demands, what other values demand, and whether these demands conflict, is to use logic, not to abandon it.

A third critique of the desirability of judges being strictly logical can be seen in the following kind of decision. In Victorian England there was a statute making it unlawful to vote when one had "personated a person entitled to vote." Suppose an accused votes pretending to be someone else, a person the accused knows to be dead but whose name still appears on the voting rolls. Suppose further a judge were to direct an acquittal of such an accused, on the grounds that the person impersonated, being dead, was not himself one who is "entitled to vote" within the meaning of the statute. One might well criticize such a judicial decision, and one might even frame such criticism (as has been done for this actual English case) in terms of the judge having an excess of "dry logic." But again, the criticism has nothing to do with the judge being too logical. Surely the valid criticism is rather that the judge is too literal in his construal of the meaning of the terms of this statute. Such literal readings are blind to the mischief this statute should be seen to be aimed at eradicating, which is fraudulent voting. As H.L.A. Hart once said of such decisions, they should scarcely be called decisions at all since they so mechanically follow the semantic rules of English without regard to the judge using her own judgment. Such scathing criticism, however, as Hart also saw, has nothing to do with any excess judicial use of logic.

The last version of the legal realist critique of "logic" that I shall consider is that stemming from certain judicial confessionals. Judge Hutcheson, to take one prominent example, in a well known article in 1929 confessed that he did not "deduce" his decisions so much

as he "hunched" them. To see Hutcheson's point, return to my hypothetical murder case. Hutcheson confessed that often he would not reach his decision by looking up the law (premise 1), looking up the meaning of its terms (premise 2), finding the facts (premise 3), and applying logic (steps 4 and 5). Rather, he proceeded by listening to the facts (premise 3), hunching (or intuiting) the decision (step 5), and then looking up the law (premise 1) and adjusting the meanings of its terms (premise 2) so as to give him the result that he had hunched.

Some take such confessionals, if true, to be critiques of the relevance of logic to judicial decisions. To see why this is *not* so, advert to the ancient distinction between recipes for how to discover what *is* a good result, from those conditions that make a result better than its alternatives. Sometimes a cold shower, thinking about something else, or just sitting quietly waiting patiently for the hunch to come, may be good decisional procedures because they produce good decisions. But what makes the decisions good is not that they were arrived at in this way; what makes them good is that they follow deductively from true factual findings and authoritative statements of law, together with defensible interpretive connections between the law and the facts. Logic is crucial in assessing what is a good legal result, even if one were to concede *arguendo* that how one discovered that result had little to do with conscious deductive inference.

Now let us take away the *arguendo* concession and consider logic in its role within plausible discovery recipes for judges. Within our legal system, any plausible recipe for how to decide a case will divide the decisional process into two stages, an initial decision stage and an opinion-writing stage. "Hunching" cannot be much of a recipe for how to write an opinion at the second stage. "I hunched it" is not an acceptable opinion, and not just because of its brevity. Rather, such a statement does not justify that the result hunched is



a good one, however much it may describe how a judge got to that result. (Of course, one might urge that the opinion-writing stage has no impact on what a judge decides, being only an after the fact rationalization. Yet the common experience of judges is that many a hunch is brought crashing down to earth by their inability to write an opinion justifying it. As they say at such times, "the opinion just wouldn't write.")

As a recipe for judges reaching an initial, tentative decision, "hunching" may be a more plausible answer. Even if this is true, however, logic has not been dispensed with. Sometimes the best way to hit a target in a high wind with an arrow is not to aim at it. Likewise, sometimes the best way to be logical is not to try to be, at least at the conscious level. Most of us are remarkably good intuitive logicians. We are more prone to making logical errors the more consciously we articulate an inference. So sometimes "hunching" may be good advice for a decisional recipe; only, when this is good advice it is so in the service of logic, not against it.

Consider a recent case in which a consignee of an international shipment of racing dogs sued the shipper, Delta Airlines, because his dogs had arrived dead. Delta discovered the dogs were dead, and so informed the consignee at the airport. In a suit to recover the value of the dogs, Delta defended on the ground that the consignee had not given written notice that he had received damaged goods, as required by the Warsaw Convention. Judge Brown, who decided this case, largely hunched that no notice was required despite the Warsaw Convention (Article 26 of which provided that "in case of damage, the person entitled to delivery must complain in writing to the carrier forthwith after the discovery of the damage..."). Judge Brown stated his decision this way:

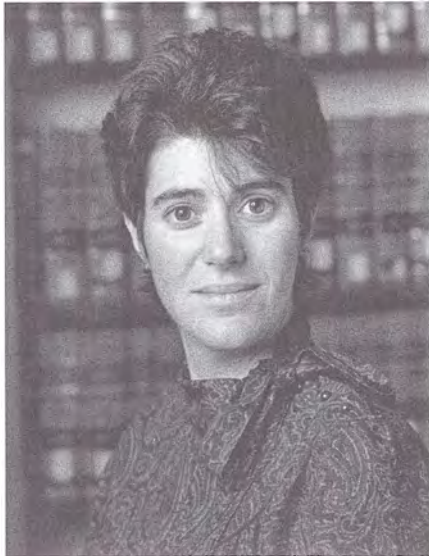
*We hold for the plaintiff due to what we perceive to be a serious gap in Article 26. The Article simply does not cover the fact situation here. By its own terms it is applicable only in cases of damage. Our unfortunate greyhounds were not damaged; they were destroyed. There is for Article 26 purposes a decisive distinction between goods that are damaged — even severely — and those which are destroyed. But this is inherent in many cases of carrier liability. A demijohn of rare brandy falling 15 feet off the conveyor belt to the airport's concrete apron is no longer that when the container is smashed and the contents run off in the view of covetous eyes. So it is with dogs, dogs bred, born and trained for kennel racing, not just for flesh, hide or hair. Recognizing, as we must, that live dogs are goods, when dead they are no longer just damaged goods. They are not at all the thing shipped. Plaintiff accordingly need have given no notice under Article 26.*

There is nothing illogical in Judge Brown's reasoning. Indeed, his intuitive logic is impeccable. If we put his hunches into a sequenced series of deductions:

1. The racing dogs were dead.
2. If racing dogs are dead, they can no longer perform their function.
3. If something can no longer perform its function, then it is no longer the thing shipped.
4. If something is no longer the thing shipped, then the thing is destroyed.
5. If something is destroyed, then it is not damaged.
6. If something is not damaged, then the notice provision of the Warsaw Convention is not applicable.
7. If the notice provision of the Warsaw Convention is not applicable, then no notice by consignee is required.
8. Therefore (with seven successive applications of modus ponens), no notice by consignee is required.

There is thus nothing illogical about Judge Brown's hunches. Logic at an intuitive level thus has its place even here. Moreover, when Judge Brown reached the second stage of his decisional process, he might have benefitted from making the logic of his argument more conscious and more explicit. My guess is that had he made his deductive reasoning fully conscious, he would have seen that his functional test for the identity of goods shipped versus received (premise 3) and his destroyed/ damaged distinction (premise 5) were probably not what he wanted to say, for these are imperfect proxies for when it is that notice is an empty formality (as it was here because of Delta's notifying the consignee that his dogs were dead). In such cases a judge's intuitive logic should be replaced with a more explicit, conscious deducing of his decision. By doing so he would not be improving his logic, but he might be improving the plausibility of his premises.

There is no escaping logic, in judicial decision-making no more than anywhere else in life. When the crew of the Starship Enterprise criticized the unemotional Vulcan, First Officer Spock, for being "too logical," they were not hoping for mistakes in his calculations, mistakes that could send them to their doom. Rather, they, like the critics of "logic" in legal reasoning, can only mean something other than what they literally say when they complain about him being "too logical."



Susan P. Sturm

## THE LEGACY AND FUTURE OF CORRECTIONS LITIGATION

by Susan P. Sturm

*In this excerpt, PROFESSOR SUSAN P. STURM uses the legacy of corrections litigation to discern and guide its future. She underscores the importance of continued litigation to maintain constitutional protections in the corrections setting, while acknowledging the pitfalls of litigation and the limitations of traditional adjudication as the sole or defining strategy for change. Professor Sturm then develops an implementation model of correctional reform, providing a workable framework for corrections advocacy into the next century. The entire text of this article may be found at 142 U. Pa. L. Rev. 639 (1994).*

Corrections advocacy is in the midst of a shift from a test case, law reform model to an implementation model of correctional reform. In the early days of the prisoners' rights movement, the test case model of law reform dominated the legal strategy of plaintiffs' advocates. This strategy, which grew out of the litigation strategy that culminated in *Brown v. Board of Education*, focused on bringing cases that would establish new constitutional protections for inmates. Litigators chose cases based on their potential to establish favorable precedent, particularly at the appellate level, and to affect the broadest possible range of persons who were "similarly situated who are not themselves parties."

The test case model has had considerable appeal, particularly in the corrections area. Through the 1950s, the courts had refused to intervene at all in corrections institutions, and thus virtually no legal standards specifically governed conditions and practices in prisons. In the 1960s, for the first time, courts began to apply the First Amendment and Due Process Clause to prisons, invalidating the rules and procedures widely employed by correctional institutions. Prisoners' rights advocates, faced with relatively undeveloped legal doctrine

and an emerging judicial receptivity to corrections cases, developed theories such as the least restrictive alternative for pretrial detainees and the totality of conditions standard for cruel and unusual punishment under the Eighth Amendment. Their early successes were striking.

Where possible, litigation challenged existing procedures and rules in institutions and argued for imposition of constitutional standards to govern conditions and practices. Many of the early cases involved challenges to acknowledged institutional rules and practices, such as arbitrary disciplinary procedures, censorship, and prohibitions of religious observance. Central administrative policy typically maintained these practices, which were amenable to change through a test case strategy resulting in the imposition of new rules and practices. Once courts announced a new legal standard in these areas, institutions could comply by changing their general policies in these areas.

Early corrections cases also had a shock value that advocates hoped would reverberate to other institutions and systems. Because litigation in correctional institutions was a relatively new phenomenon that exposed outrageous conditions that were previously insulated from scrutiny, advocates relied on these cases to attract public attention and to create broader public pressure for reform.

These strategic justifications for the test case model reinforced lawyers' predisposition to embrace the law reform model as a result of their professional incentives and orientation. Many advocates exhibited tremendous confidence in the normative power of law and its potential as a social change agent. They focused on law as a body of legal rules and on the capacity to change those rules through adjudication. This emphasis on changing legal norms coincided with the training and skills of those orchestrating the legal reform movement. Legal



education emphasized appellate decision-making and socialized lawyers to place their faith and role identity in adjudication.

The test case model also responded to the resource constraints facing many public interest advocates. The relative efficiency of the law reform model was one of its selling points. A litigation campaign focused on changing national precedent could conceivably be managed by a small group of committed lawyers. The earlier cases focusing on rule changes and shocking conditions were not fact-intensive or complicated in nature. Indeed, the conditions in many of the institutions targeted early on were so horrendous, and the cases so poorly defended, that trials were relatively simple and inexpensive to conduct.

The significance of the test case model of corrections reform has diminished considerably in recent years and no longer characterizes the efforts of many prisoners' rights advocates. Some look wistfully back at the era of its preeminence, and many celebrate its significance in cementing law's place in social reform movements. However, the model no longer provides a useful framework for planning and conducting most corrections litigation.

Commentators and advocates often attribute the demise of the test case model to the increasing conservatism of the federal courts. Corrections advocates share a sense that their strategies must adapt to the change in judicial climate and lack of receptivity to expanding rights and developing legal theories. Opportunities for developing innovative, path-breaking constitutional theories are rare. Advocates generally bring cases only when they have established precedent supporting them.

Judicial conservatism does not fully account for the decline of the test case model of law reform. To some extent, the decline of the model's significance is a natural development in the life cycle of social change and litigation. As legal norms developed to govern conditions and practices, advocates no longer faced completely lawless institutions or

blanket resistance to the imposition of legal norms. Instead, they faced the challenge of implementing the legal regime they helped create. Much of the lawyers' energy involved enforcing orders already on the books. New cases increasingly focused on implementing previously established legal norms. More recent corrections cases pose problems that cannot be eliminated solely through rule changes. Amelioration of conditions and overcrowding typically require additional resources and changes in the behavior of complex systems, and are unlikely to be generalized to other systems without substantial enforcement efforts in those systems.

This evolution tracks the life cycle of other social reform efforts. The early stages of reform often revolve around defining the norms and goals of the reform effort, and the later stages move to the process of building institutions and methods for implementing those goals. The shift also reflects the life cycle of institutional reform litigation, the centerpiece of which is remedial enforcement.

The decreasing significance of the test case model also stems from the success of early efforts to institutionalize legal norms in correctional settings. Litigation has been quite successful in eliminating the worst abuses in correctional settings. As litigation became more commonplace and the most visible abuses were alleviated, the shock value of new cases diminished. Also, the pre-bureaucratic, arbitrary regimes of governance have generally given way to more bureaucratic, legalistic structures. Corrections administrators now view litigation as a fact of life, and effective litigation management is one of a portfolio of skills required for successful corrections management.

Finally, the inherent limitations of the law reform model play a role in limiting its preeminence. Advocates learned through experience that formal

legal victories did not mean actual success in achieving correctional reform. In many cases, defendants simply ignored court orders requiring major changes in prison policy and practice. Legal rules were not self-executing; change required creating political and administrative incentives and capacity to implement legal norms.

The test case model ignores the significance of implementation in any effort to achieve lasting institutional reform. Its emphasis on the liability stage of litigation and the development of legal rules misdirects the energy and strategies of corrections advocates. Success at trial orients lawyers' goals and strategies, rather than actually alleviating unconstitutional conditions and practices. The test case model does not prepare plaintiffs' lawyers to address the challenges of monitoring and enforcement. Plaintiffs' lawyers frequently fail to recognize and account for the dynamics of running a correctional institution in their remedial decrees. The top-down approach emphasizing changes in central administrative policy ignores the institutional dynamics that account for many of the problems plaguing corrections institutions and the significance of local advocacy to reform. This approach also masks conflicts among clients about remedial strategies, and inflates the power of lawyers to make value choices without taking into account competing perspectives and concerns. Moreover, the model's preoccupation with changing legal norms overlooks the significance of remedy and enforcement in determining whether meaningful reform occurs as a result of litigation.

This failure to appreciate the significance of remedy is important for a number of reasons. Effective lawyering at the remedy stage requires different skills and processes than those needed to participate effectively in formal adjudication. Much of the remedial process takes place outside the courtroom and the adversary model of dispute resolution. Because cooperation by crucial insiders is critical to implementation,

effective remedial advocacy requires creative uses of negotiation, mediation, and experts. The test case model simply ignores the political and institutional dimension of implementation, and relies on legalistic approaches to compliance that do not take into account the complexities of organizational change. The model also blinds advocates to the importance of building coalitions with insiders in the corrections field and linking litigation to other methods of advocacy, such as public education as well as administrative advocacy and legislative advocacy.

The test case model's emphasis on winning legal battles reinforces advocates' predisposition to rely exclusively on formal, adversary process. Its dependence on the adversary model saddles the test case strategy with the many limitations of adversary process as a means of developing and implementing effective remedial solutions. Advocates frequently adopt a reactive posture of waiting for problems to arise and then returning to court for an adjudication of continuing violations of the court order. This approach typically prolongs implementation. Nothing happens for a period of time, and then the parties return to court to fight over the adequacy of the defendants' efforts. This scenario fails to create a framework for developing workable solutions to the legal violations, and perpetuates the defensive posture that predisposes responsible officials to resist judicial involvement.

The test case model also creates a false picture of the relative significance and demands of trial and remedy. Advocates who embrace the test case model frequently fail to understand at the outset that the remedial stage will consume the bulk of their time and resources. Corrections advocates, particularly those with a national reform agenda, often allocate insufficient time and energy to the remedial stage.

These problems, however, do not mean that test case litigation has not and cannot play an important role in pursuing institutional reform through the law. Certainly, the development of legal norms has profoundly and positively affected the corrections field. The earliest cases brought in any new institutional context necessarily act as test cases that will affect the contours of future legal challenges. However, the test case model cannot achieve lasting institutional reform on its own. It must be linked to a broader advocacy strategy that recognizes and builds on the importance of implementation.

In reaction to the changes in the judicial, political, and administrative environment, corrections advocates have begun to recast their roles to conform to an implementation model of law reform. This model focuses on achieving and maintaining institutional reform, and is characterized by two simultaneous and somewhat competing developments, each of which is discussed further below. Cases that go to trial focus on implementing well-established, minimal standards of decency in a variety of institutional settings. This litigation has become increasingly complex, fact intensive, adversarial, and costly to litigate. At the same time, effective advocacy now requires the development of informal means of factfinding, remedial formulation, and monitoring, and the linkage of litigation to broader strategies of correctional reform. The challenge facing public interest advocacy over the next decade is to reconcile and sustain these two prongs of the implementation model, and is likely to reflect and be affected by the following trends.

#### *Prison and Jail Litigation Will Concentrate on Gross Inadequacies in Core Conditions of Confinement*

Litigation currently undertaken by prisoners' rights organizations targets institutions that fail to provide inmates with the minimal necessities of civilized existence. This trend is likely to continue. Virtually every specialist reported a shift away from First Amendment, due

process, and programmatic issues towards an emphasis on overcrowding, environmental health and safety, violence, and medical and mental health care.

#### *Corrections Cases Will be More Complex and Costly to Litigate, Requiring Sophisticated Litigation Tools and the Extensive Use of Experts*

Cases that target conditions and practices in bureaucracies, rather than rules and regulations, tend to be more fact intensive and expensive to litigate. Higher standards of proof, more sophisticated and aggressive defenses, and less sensational forms of abuse and deprivation further increase the difficulty and expense of corrections case. The role of experts in corrections litigation has become more complex and indispensable as parties show greater willingness to litigate.

#### *Considerable Attention and Resources Will be Devoted to Preserving and Enforcing Existing Court Orders*

The remedial stage is in many respects the most important and difficult aspect of correctional litigation. Establishing liability is merely the first step in a long process of eliminating illegal practices and conditions. Many of the institutions that were sued in the 1970s and 1980s have yet to achieve and maintain substantial compliance with court orders. As of January 1991, forty states (plus the District of Columbia, Puerto Rico, and the Virgin Islands) were operating under court orders, some of which were issued as far back as the early 1970s.

Corrections advocates have come to realize the significance of the remedial stage. Experience has shown that compliance is unlikely to be achieved without the active involvement of plaintiffs' counsel. Many corrections litigation specialists report that they devote increasing amounts of energy to implementation. For example, in twenty-four of the twenty-six active cases in

1992 on the docket of the Prisoners Rights Project of the Legal Aid Society in New York City ("PRP"), a judgment had been entered on all or part of plaintiffs' claims, whereas in 1973, only eight out of the PRP's twenty-eight active cases were post-liability. Similarly, twenty-one out of the twenty-six active cases reported in the June 30, 1991 quarterly report of the National Prison Project ("NPP") are in the post-liability phase of litigation.

Efforts by local, state and federal officials to modify or vacate existing orders add to the significance of enforcement activities by corrections advocates. Many defendants are using recent increases in inmate populations and new case law toughening the standards for finding an Eighth Amendment violation to support motions to modify outstanding decrees. Defendants have also intensified their efforts to eliminate active judicial supervision of correctional institutions.

Corrections officials, plaintiffs' counsel, judges, and masters have all expressed keen interest in developing an exit scenario for corrections cases. Indeed, experienced corrections advocates have begun to use defendants' interest in terminating judicial supervision as an incentive to develop alternative forms of accountability. This move is prompted in part by the recognition that the court often shares defendants' interest in ending the litigation. It also reflects the insight that the incentive to terminate the litigation may be plaintiffs' strongest leverage, and that a vision of an acceptable endpoint to the litigation should inform the entire remedial process.

The increasing significance of the remedial stage presents both challenges and opportunities for corrections advocates over the next decade. Successful advocacy depends on recognition of the importance of the remedial stage, a commitment to continued active involvement through the implementation process, and the development of skills and expertise that differ in important respects from formal litigation skills developed in other complex litigation.

Under the implementation model, the remedial stage becomes the focus of litigation planning, resource allocation, and development of an overall advocacy strategy. The potential for successful implementation of a court-ordered institutional reform frames the advocacy strategy, rather than the likelihood of national impact or law reform. Factors such as the potential involvement of capable and supportive insiders, the political environment, or the existence of a local advocacy network may take precedence over the significance of the legal principle at stake.

The implementation model also mandates strategic identification of appropriate participants in the case. The involvement of parties beyond those with formal responsibility for managing the system may prove essential to achieving effective remedies for institutional problems. The problem-solving orientation that characterizes remedial formulation and implementation also blurs the line between formal litigation and other forms of administrative and political action. Effective lawyering at the remedial stage requires an understanding of the corrections context and culture, and an ability to use creative processes of dispute resolution such as mediation and expert involvement in fact-finding and negotiating remedies.

*Corrections Adjudication Will Increasingly Link Up With and Come to Resemble More Informal and Systemic Forms of Advocacy*

With the shift to an implementation model of correctional reform, innovation now emerges not in the formulation of legal theory, but in the processes used to develop and implement remedies for legal violations. At first glance, this development seems inconsistent with the trend toward the complex, adversarial litigation described above. In reality, however, jurisdictions which have endured the expense and pain of litigation, as well as those willing to acknowledge their constitutional responsibilities, have some-

times turned to more cooperative forms of dispute resolution to avoid the costs and inefficiencies of adversary processes. Plaintiffs' lawyers, judges, masters, and defendants have developed strategies that enlist the cooperation of responsible public officials in the implementation process. These strategies frequently blur the distinction between litigation and other forms of problem solving, and attempt to capitalize on the strengths of each. Where possible, cases are resolved not through formal courtroom adjudication, but rather through mediation involving plaintiffs' counsel, experts, and the officials responsible for addressing the problems in question. Plaintiffs' lawyers are experimenting with consensual approaches to formulating remedies which avoid the risk, expense, and adversarial quality of formal adjudication. Faced with the threat of a court-imposed remedy, many public officials have agreed to use structured negotiations, jointly selected expert panels, and other collaborative approaches to develop remedies.

The emerging emphasis on implementation is prompting litigators to expand their roles to include diverse forms of corrections advocacy, including mediation, training of corrections staff, and legislative and administrative advocacy. Litigators have discovered that they can capitalize on the skills and access afforded them through formal adjudication, and enhance their effectiveness by combining formal and informal approaches to problem solving. Organizations with continuity in the field and a good track record in bringing and resolving litigation use their reputations as corrections litigation experts to engage in nonlitigation advocacy and problem solving.

Corrections specialists are involved in other forms of nonlitigation advocacy which are likely to gain significance over the next decade. They do extensive amounts of public speaking on corrections issues. They have begun to explore new ways of capitalizing on this important role of the media in defining public policy on corrections issues.



This shift toward an implementation model of litigation also suggests different criteria for determining whether to undertake litigation in a particular jurisdiction. Litigators are beginning to speak in terms of targeting systems instead of institutions. Instead of focusing on the jurisdictions most likely to serve as a national or regional example, advocates are beginning to assess how to get the "maximum leverage" in an enormous multi-institutional system. One manifestation of this is an increasing recognition of the importance of avoiding suits that will have predictable, negative spillover effects on other institutions. Assessments of the political and administrative circumstances surrounding particular correctional problems are also playing greater roles in the case selection process, and, at times, even dictate whether or not litigators become involved.

*Advocates Will Explore the Possibility of Bringing Successful Claims Under State Law and Federal Statutes*

The federal judiciary's increasing conservatism and deference to state action has prompted interest in exploring state law and federal statutes as alternatives to federal constitutional causes of action. Moreover, there is some possibility that the courts will limit the applicability of broad remedial statutes to correctional institutions.

*The Need for Effective State and Local Corrections Advocacy is Likely to Increase Over the Next Decade*

The increasing emphasis on implementation also suggests that state and local advocacy will play a significant role over the next decade. The process of monitoring and enforcing a remedy requires the continued presence and involvement of plaintiffs' counsel. State and local counsel frequently assume this responsibility. The state and local organizations

specializing in corrections litigation have the advantage of day-to-day interaction within the institutions in their jurisdiction. They are familiar with the procedures, problems, and players of the institutions they regularly sue, and many have ongoing relationships with the corrections administration. Many of these organizations are in the correctional institutions on a regular basis, and are thus in a good position to investigate and evaluate problems. Knowledge of the local political scene, the day-to-day problems of the institutions, and the key players within a particular system can be invaluable to the implementation process. The regular presence of lawyers raising questions can itself improve the quality of service delivery within an institution, and resolve some issues without litigation. Ongoing relationships with the officials responsible for implementation enable advocates to address problems informally. Local and state organizations may also be better situated to link litigation to political strategies for correctional reform.

*Conclusion*

The shift in corrections from the test case to the implementation model of advocacy appears to be part of a more general trend. Poverty law advocates and others have noted the growing significance of remedies, administrative enforcement, informal advocacy, and local initiatives designed to institutionalize reform across broad categories of need. Similarly, public interest advocates in a wide range of areas are expanding their conceptions of advocacy. Within the judicial arena, this expansion portends a willingness to question the primacy of the adversary model, to rethink the forms of public interest litigation, and to experiment with more consensual forms of fact-finding and dispute resolution. More generally, lawyers are exploring means of linking litigation to public education, legislative advocacy, and administrative reform. Commentators in a variety of fields have noted the importance of linking litigation to a more systemic approach to social change.

These developments have important implications not only for the structure of legal services delivery in the corrections area in particular, but for public interest advocacy in general. Many existing organizations segregate their litigation staff from those engaged in other forms of advocacy, and devote most of their resources to formal adjudication. This study suggests the need to rethink this division of labor.

Collaborative efforts among public and private lawyers will also become more common and necessary for effective representation in major corrections litigation and other areas of public interest law. As cases become larger and more complex, few organizations will have the resources, expertise, and inclination to handle major corrections litigation on their own and still pursue a broader strategy of institutional reform. As in other areas of public interest law, corrections litigators are discovering the value of spreading the load among groups of lawyers with different strengths and abilities.

The emerging emphasis on implementation also suggests the need to rethink the form and character of litigation and lawyering. The classic emphasis on courtroom advocacy and a formal adversarial process, although still important, does not respond to the range of skills and processes required to provide effective advocacy. As others have begun to recognize, litigation is being redefined to include more collaborative processes, and advocates must face the challenge of integrating litigation with other forms of advocacy. The singular focus in most law school clinics and classrooms on traditional litigation skills and analysis fails to prepare future lawyers to meet this challenge.

The trend toward an implementation model identified in this article poses possibilities and challenges that will shape the future of public interest advocacy.

# Faculty Notes

**C. Edwin Baker**, *Nicholas F. Gallichio Professor of Law*, published his second book, *Advertising and a Democratic Press* (Princeton University Press, 1994). Reviews continue, with the most recent appearing in the *Philadelphia Inquirer* (August 7, 1994). Carlin Romano's review concluded with the admonition: "Journalists will have to read books like [Baker's]—even if it hurts." Professor Baker's monograph, "Ownership of Newspapers: The View From Positivist Social Science," published by Shorenstein Barone Center of the JFK School of Government, Harvard University, appeared in September. In October, he presented a paper, "Phone-Cable Mergers," at the Twenty-Second Annual Telecommunications Policy Research Conference held at Solomons, Maryland. In January, Professor Baker presented a paper, "Content-Motivated Regulation of Media Corporations," at the Association of American Law Schools Convention in New Orleans.

**Stephen B. Burbank**, *Robert G. Fuller, Jr. Professor of Law*, organized and moderated an invitational conference on the *Manual for Complex Litigation - Third*, currently in draft, as part of the David Berger Program in Complex Litigation. For more information on this conference, see page 5. Professor Burbank serves on the ABA Litigation Section's Subcommittee on the Rules Enabling Act. A Director of the American Judicature Society, he moderated a panel on court-watching at the Society's annual meeting in August. In January and again in September,

Professor Burbank participated in meetings of the Judicial Conference's Committee to Review Circuit Counsel Conduct and Disability Orders. That committee bears primary responsibility within the federal judiciary for the implementation of the recommendations of the National Commission on Judicial Discipline and Removal, of which Professor Burbank was a member. His article, "The Reluctant Partner: Making Procedural Law for International Civil Litigation," appears in the Summer 1994 issue of *Law and Contemporary Problems*.

**Colin S. Diver**, *Dean and Bernard G. Segal Professor of Law*, was appointed a member of the Advisory Committee for the American Inns of Court Law School Project. For more information on Inns of Court at Penn, see page 8. Dean Diver was also appointed a member of the Advisory Committee for the Education Project of the Lawyers' Committee for Civil Rights Under Law, as well as a member of the American Law Institute.

**William B. Ewald**, *Assistant Professor of Law*, has written an article entitled "Rethinking Comparative Law." It will appear in the *University of Pennsylvania Law Review* early in 1995.

**Michael Fitts**, *Professor of Law*, published a book review of *Legislative Leviathan* in the *Journal of Management and Policy Analysis*. He also spoke about administrative reform at the David L. Bazelon Conference in Science, Technology, and Law at the Law School.

**Douglas N. Frenkel**, *Practice Professor and Director of Clinical Programs*, spoke on ethical issues for counsel in prisoner civil rights litigation at a forum sponsored by the United States District Court for the Eastern District of Pennsylvania in October. He also addressed a Brooklyn Law School faculty forum on teaching professional responsibility in January. In addition, Professor Frenkel spoke on "Addressing Skills and Values in Lawyer-Client Relationships" at the 1995 Annual Meeting of the Association of American Law Schools in New Orleans in January. The program was devoted to the issues involved in placing greater emphasis on lawyering skills and values in the law school curriculum. At the same meeting, during a joint session of the Clinical Education and Professional Responsibility sections of the AALS, he spoke on and demonstrated audio-visual teaching resources in professional responsibility.

**Sarah Barringer Gordon**, *Assistant Professor of Law*, delivered a paper on the prosecution of polygamists in Utah's territorial period at the Law and Society Association meetings in Phoenix, Arizona. She also gave a paper on the territorial bench and bar of Utah at the Western History Association meetings in Albuquerque, New Mexico, and published a review of Martha Sonntag Bradley's *Kidnapped from that Land* in the *Western Historical Quarterly*.

**Lani Guinier**, *Professor of Law*, published an article entitled "E-racing Democracy" in the November 1994 *Harvard Law Review*. She also submitted a case comment on a 1993 Supreme Court Term voting rights case. In addition, Professor Guinier published "Becoming Gentlemen: The Education of Women at the University of Pennsylvania Law School," in the November 1994 *University of Pennsylvania Law Review*. On November 29 Professor Guinier announced that she is founding a nonprofit organization called Commonplace, which she intends to "transform public discourse about social issues like race and gender, to create a learning environment where we can learn to talk across our difference in less adversarial fashion." Commonplace, according to Professor Guinier, will explore solutions to the United States' racial problems, starting with examinations of minority representation in Congress and the role of race in modern political campaigns. Its first project will be "A National Conversation on Race," a program scheduled for October at Penn. It will be supported in part by a grant from the Annenberg School of Communications at the University, and Professor Guinier says she is raising money to sponsor similar programs at other universities.

**Geoffrey C. Hazard, Jr.**, *Trustee Professor of Law*, led a seminar on "Advocates and Legal Ethics of Publicity Concerning Trials" for the Federal Bar Association of New York City in November. He also led a seminar on legal ethics for the corporate legal staff and top managers of CIT Corporation in Livingston, New Jersey. Professor Hazard lectured on professional ethics to first-year law students at Yale Law School this September, and he gave a lecture on "The Settlement Black Box," *i.e.*, settlement of civil litigation, at Boston University Law School. He also spoke to the Association of General Counsels on Restatement of the Law, Products Liability, in Dearborn, Michigan, and he addressed a meeting of Penn Law Alumni of Northern New Jersey this October.

**Heidi M. Hurd**, *Professor of Law and Philosophy and Associate Dean for Academic Affairs*, received tenure in the spring of 1994 and was then appointed to succeed Robert Gorman as the next Associate Dean. During the summer months, she wrote an article entitled, "Interpreting Authorities," for inclusion in *Law and Interpretation*, Andrei Marmor ed. (Oxford University Press, 1995). In September, Professor Hurd co-directed and co-taught "Jurisprudence for Judges," an intensive, three-day "mini-course" on legal theory for Article III judges, co-sponsored by Penn Law and the Federal Judicial Center. For more information on this program, see page 6.

**Alan M. Lerner**, *Associate Practice Professor*, participated as one of three panelists addressing the topic of "Sexual Harassment — Moving From Written Policies to a Non-Hostile Work Environment" at a "brown bag" lunch sponsored by the Philadelphia Bar Association's Committee On Women In The Legal Profession. In addition, Professor Lerner presented the initial training program in "Recognizing and Avoiding Sexual Harassment" to the Lehigh Valley Carpenters Local Union No. 600, pursuant to the Final Judgment and Decree of the United States District Court for the Eastern District of Pennsylvania in the case of *Stair v. Lehigh Valley Carpenters Union, Local 600, et al.* He was selected by agreement among counsel for the plaintiffs and defendants, and representatives of the Philadelphia Bar Association.

**Bruce H. Mann**, *Professor of Law and History*, is a member of the Littleton-Griswold Prize Committee of the American Historical Association and the Surrency Prize Committee of the American Society for Legal History. He continues to serve on the editorial boards of the *Law and History Review* and *Continuity and Change: A Journal of Social Structure, Law and Demography in*



*Bruce Mann*

*Past Societies*. Professor Mann is a member of the program committee for the conference, "The Many Legalities of Early America," sponsored by the Institute for Early American History and Culture.

**Charles W. Mooney, Jr.**, *Professor of Law*, was elected a Fellow of the American Bar Foundation. His recent articles were published in the *Virginia Law Review* (with Steven Harris), *The Business Lawyer*, and the *Washington University Law Quarterly*. In October he was a commentator at a conference on Uniform Commercial Code Article 9, sponsored by the *University of Minnesota Law Review*, where his comments will be published. In November, Professor Mooney attended the third meeting of the study group on International Secured Financing of Mobile Equipment, in Rome, sponsored by the International Institute for the Unification of Private Law (UNIDROIT), as a delegate selected by the United States Department of State. Professor Mooney continues to serve as co-reporter for the Drafting Committee for the Revision of Uniform Commercial Code Article 9, sponsored by the National Conference of



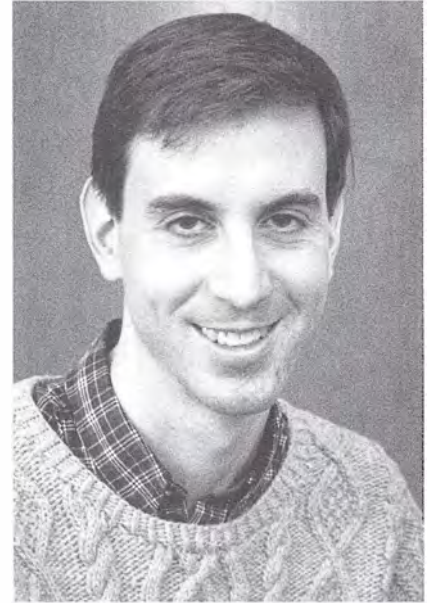
Commissioners on Uniform State Laws and The American Law Institute, as a Member of the Securities and Exchange Commission's Market Secretary of State's Advisory Committee, and as a Member of the Secretary of State's Advisory Committee for Private International Law.

**Michael S. Moore**, *Leon Meltzer Professor of Law and Professor of Philosophy*, gave a series of lectures in September to a conference on "Jurisprudence for Judges," co-sponsored by Penn and the Federal Judicial Center. Professor Moore lectured on the use of logic in judicial reasoning, the place of natural law in judging and the role of semantics in statutory and constitutional interpretation. For more information on this conference, see page 6; for an excerpt from Professor Moore's lecture on the use of logic, see page 34. Professor Moore's previously published article, "The Moral Worth of Retribution," was selected for reprinting in the fifth edition of Joel Feinberg's and Hyman Gross' collection, *Philosophy of Law* (Belmont, Cal.: Wadsworth, 1994), and in the Third Edition of Jeffrie Murphy's collection, *Punishment and Rehabilitation* (Belmont, Cal.: Wadsworth, 1995). His article, "Interpreting Interpretation," previously published in Hebrew in the *Tel Aviv University Law Review* (volume 18, 1994), has been translated and republished in English in Andrei Marmor's collection, *Law and Interpretation* (Oxford University Press, 1994). Another article, "Good Without God," has been published in Robert George's and Christopher Wolf's collection, *Natural Law and Liberalism* (Oxford University Press, 1995), together with replies by two critics.

**Eric Posner**, *Assistant Professor of Law*, presented a paper entitled "The Legal Regulation of Solidary Groups," at Penn Law's Legal Studies Workshop in September. In addition, Professor Posner's paper, "Contract Law in the Welfare State," was accepted for publication by the *Journal of Legal Studies*.

**Edward B. Rock**, *Professor of Law*, was the Visiting Professor of International Banking and Capital Markets Law at the Institut für Arbeits-, Wirtschafts- und Zivil Recht, Johann Wolfgang Goethe - Universität, Frankfurt am Main, Germany this June. He co-taught a seminar on shareholder litigation with Professor Friedrich Kübler. While in Frankfurt, he also gave a public lecture on "America's Fascination with German Corporate Governance," which will be published in a German corporate law journal. Later in June, he presented a paper on "Personal Trading, Insider Trading and Mandatory Rules" to the University of Haifa Law Faculty and the Securities Authority of the State of Israel, a workshop at the Hebrew University Faculty of Law, and a lecture on antitrust sponsored by the Israeli Antitrust Authority. In addition, Professor Rock published *Controlling the Dark Side of Relational Investing*, a book on relational investing, as well as *Labor Law Successorship: A Corporate Law Approach*, co-written with Professor Michael Wachter.

**David J. Shakow**, *Professor of Law*, published an article, "How Now Brown K?," in the June 27 issue of *Tax Notes* magazine. The article discussed a recent Tax Court decision, *Brown Group, Inc. v. Commissioner*, which raised fundamental questions about the proper interaction between law's partnership rules, embodied in Subchapter K of the Internal Revenue Code, and other Code provisions. Professor Shakow is currently working on a paper on intraday variations in currency values as they affect the proper measurement of income in the international context. He also completed research on an article that would measure the growth of tax legislation in the past fifty years. In addition, Professor Shakow reminisced about his year clerking for Judge William H. Hastie at a luncheon held in December by the Philadelphia Committee for the NAACP Legal Defense Fund, at which the 1994 Hastie Awards were presented.



Eric Posner



Barbara Bennett Woodhouse

**Reed Shuldiner**, *Assistant Professor of Law*, is currently a visiting professor at Yale Law School. In September, he published an article entitled "Indexing the Federal Income Tax," in the *Tax Law Review*. His current research involves questions of horizontal equity in tax policy.

**Clyde W. Summers**, *Professor of Law Emeritus*, presented a paper entitled "Individual and Collective Justice: Multiple Tribunals — Multiple Concepts of Justice," at the 25th Anniversary of the Israeli Labor Court in Jerusalem in June. Professor Summers also led a Round Table on "Foreign and Indigeneous Influences on Development of Labour Law and Society Security" at the 14th World Congress on Labour Law and Social Security held in Seoul, Korea in September.

**Elizabeth Warren**, *William A. Schnader Professor of Law*, presented the keynote address to the National Conference of Bankruptcy Judges in Toronto this October. She was appointed to the International Insolvency Project of the American Law Institute. Professor Warren was formally inducted into the American College of Bankruptcy in May, in a ceremony held at the Supreme Court with Justice Thomas presiding. In addition, she moderated an episode of PBS's "On the Issues" program, entitled "Job Today, Gone Tomorrow," which included Secretary of Labor Robert Reich and several labor leaders and CEOs. At a program sponsored by the Federal Judicial Center in Atlanta, Georgia, Professor Warren spoke to bankruptcy judges on the impact of raising the debt limits in Chapter 13. She also wrote an amicus brief for a case pending in the Eleventh Circuit, *In re Piper*, which involves the rights of people who will fly Piper Aircraft and be injured in the future to receive protection in the company's current reorganization. The National Bankruptcy Conference's *Final Report*, for which Professor Warren served as Reporter for the Chapter 11 Working Group, was

published in May. Currently, Professor Warren is on research leave, working on a book analyzing the latest empirical study of consumer debtors, which will use the bankruptcy data to explore the economic fragility of middle class America.

**Barbara Bennett Woodhouse**, *Professor of Law*, was recently named to the Advisory Committee of the newly created University of Pennsylvania Center for Fathers and Families. She participated in a panel on "Children's Physical Safety" at a conference on Children and Public Policy co-sponsored by Princeton's Woodrow Wilson School and the Brookings Institute, with proceedings to be published by Brookings. In July, Professor Woodhouse presented a paper on "Preserving Children's Identity Across Frontiers of Culture, Political Community, and Time" at the International Society for Family Law World Conference in Cardiff, Wales, which discussed transnational and trans-racial adoption. The Juvenile Law Center presented Professor Woodhouse as the featured speaker at its June 1994 Symposium, where she addressed "Issues of Race in Adoption and Custody." In August, she served as Acting General Reporter for Family Law for the XIV Congress of the International Academy of Comparative Law in Athens, Greece, presiding over the presentation of reports and plenary discussion in French and English on developments in rules for alimony and property distribution in forty countries. On her return, Professor Woodhouse took part in a panel of experts on history, law and sociology at the American Sociological Association National Conference in Los Angeles, California, addressing the question, "What's Behind the Family Values Debate?" In October, she anchored a panel at the DeBoer Committee for Children's Rights Working Conference in Ann Arbor, Michigan, and in November, she presented a paper on

children's rights at the University of Maryland Legal Theory Lecture Series. In December, Professor Woodhouse took part in an interdisciplinary "Network on Children in the Legal System" in Chicago, sponsored by the John D. and Catherine T. MacArthur Foundation, which works to develop an agenda for research in children's development and psychology. In January 1995, Professor Woodhouse taught on the faculty of the ABA-sponsored Appellate Judges' Seminar, presenting a short course on "Children's Rights and the Changing American Family." Among her scholarly works published this fall are "Deconstructing Solomon's Dilemma," a piece in the *Connecticut Law Review's* forthcoming symposium issue on adoption, and her commentary, "Home Visiting and Family Values: The Powers of Conversation, Touching, and Soap," an essay on social supports for at-risk families, presented at the Bazelon Conference in Science, Technology and Law held at Penn Law in April 1994 and published in Volume 143 of the *University of Pennsylvania Law Review*.

# Law Alumni Society

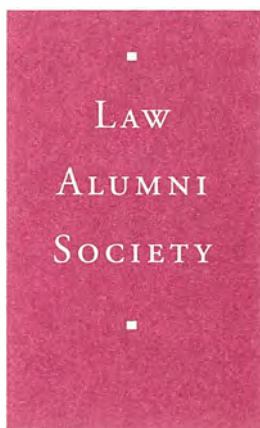
*All members of the classes of 1945 and earlier are accorded honorary membership in the Society, by virtue of having reached their 50th Reunion year. Nonetheless, some of these honored alumni made gifts to the Society and are listed below. Honorary membership is also granted to the most recent graduating class.*

*Your support is responsible for many of the Society's events such as alumni breakfasts, luncheons, and receptions in cities across the nation, Parents and Partners Day for the 1L class, and portions of Alumni Weekend.*

*We would like to take this opportunity to thank the alumni listed below for paying their Law Alumni Society dues for 1993-1994.*

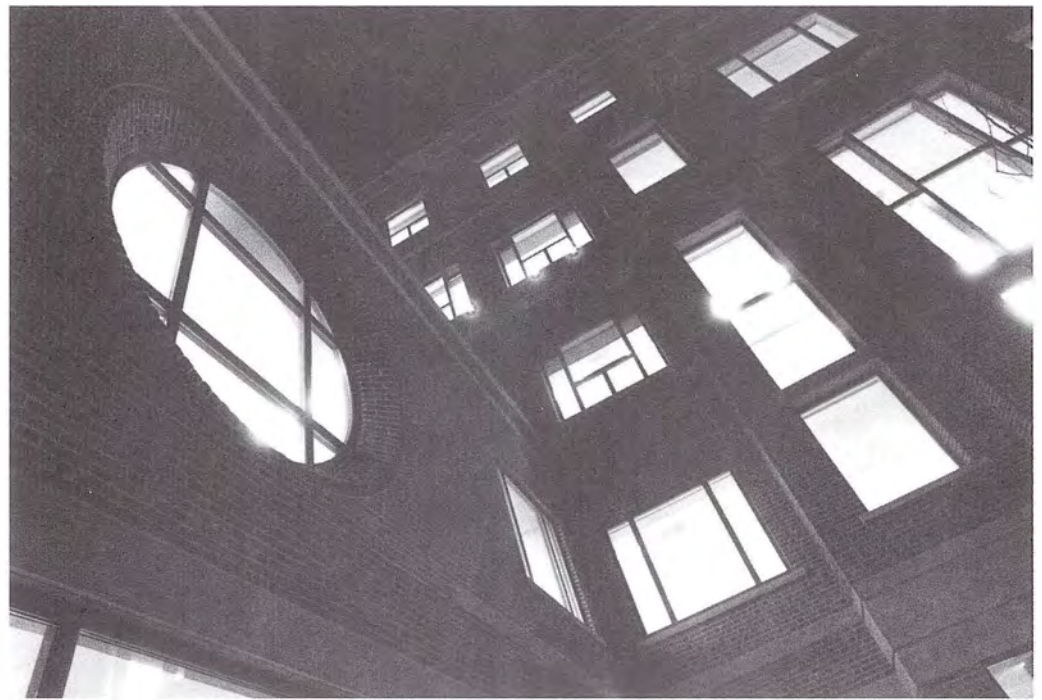
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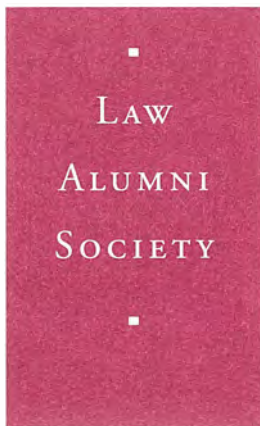
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Steven P. Cohn '79  
Basil S. Cole, Jr. '49  
Joel C. Coleman '55  
Ian M. Comisky '74  
Matthew J. Comisky '84  
Aims C. Coney, Jr. '54  
John P. Connors '52  
Douglas C. Conroy '68  
Neil L. Conver '48  
Robert L. Cooney, Jr. '93  
Jeffrey N. Cooper '75  
Jeffrey O. Cooper '91  
Leonard J. Cooper '62  
Leslie Kyman Cooper '89  
Hector Cordero-Vazquez GL '87  
Louis G. Corsi '72  
George C. Corson, Jr. '59  
B. Patrick Costello '52  
Sydney Coutts '91  
L. M. Cowperthwait, Jr. '60  
Roger F. Cox '66  
Todd Anthony Cox '92  
Theodore S. Cox '53  
Harold Cramer '51  
Pamela F. Craven '77  
James D. Crawford '62  
Joseph C. Crawford '79  
F. M. Cressio Fortuno '78  
Ronald A. Croen '79  
Samuel S. Cross '49  
Richard C. Csaplar, Jr. '59  
Clive S. Cummis '52  
Thomas F. Cunnane '63  
Kevin R. Cunningham '81  
Chester T. Cyzio '54  
Richard D'Avino '80  
Howard L. Dale '70  
Pamela Daley '79  
Jeffrey A. Dalke '78  
Jane L. Dalton '71  
Joseph A. Damico, Jr. '58  
Samuel A. Danon '91  
Walter T. Darmopray '48  
Mark B. Davis '75  
Preston L. Davis '60  
Ronald Everett Day '89  
John F. De Podesta '69  
E. Foster De Reitzes '69  
Beryl Richman Dean '64  
Daniel T. Deane, Jr. '57  
Stephen P. Dietsch '72  
Samuel E. Dennis '54  
Deborah W. Denno '89  
Raymond K. Denworth, Jr. '61  
John M. Desiderio '66  
Alexander A. Di Santi '59  
Michael P. Dibiase '83  
Stephen P. Dicke '67  
Beth Janice Dickstein '88  
Adrian L. Diluzio '72  
Richard D. Dionne '77  
Lisa G. Dipietro '92  
Pasquale J. Diquinizio '54  
Randi Lynn Dlott '86  
Edward I. Dobin '60  
John L. Dolphin '51  
Michael J. Donahue '73  
Robert B. Donin '74  
Amy L. Donohue-Babiak '86  
Mitchell Lane Dorf '86  
Charles E. Dorkey III '73  
John W. Douglass '50  
Albert G. Driver '47  
Jay A. Dubow '84  
Michael Philip Duffy '86  
John F. Dugan '60  
Kenneth R. Dugan '83  
Sarah H. Duggin '79  
Thomas J. Duman '73  
Justin G. Duryea '47  
David W. Dykhous '74  
David T. Eames '80  
William H. Eastburn III '59  
Kathy L. Echternach '83  
Murray S. Eckell '59  
Sharon Beth Eckstein '86  
James R. Edgerly '55  
E. Morrow Edwards '86  
George J. Edwards '74  
Leon Ehrlich '47  
Thomas J. Eicher '83  
James Eiseman, Jr. '66  
Rachel Anne Ekery '93  
Thomas J. Ellis '85  
Joseph S. Elmaleh '52  
William E. Elwood '68  
Andrew M. Epstein '67  
Neil G. Epstein '65  
Christian S. Erb, Jr. '55  
Kevin R. Erdman '87  
John A. Erickson '56  
John L. Esterhai '46  
Todd A. Ewan '93  
Hon. Charles P. Eyer '68  
Hon. Mike Fain '72  
Mark Spencer Fawer '86

Frank Federman '60  
 Joy Feigenbaum '80  
 A. Richard Feldman '80  
 David N. Feldman '85  
 Louis Evan Feldman '92  
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 Scott Feldstein '84  
 Elit R. Felix II '82  
 Wilfredo A. Ferrer '90  
 Elena Ferrera '86  
 Arlene Fickler '74  
 Debbie Fickler '82  
 H. Robert Fiebach '64  
 Lawrence Finkelstein '76  
 C. T. Finnegan III '72  
 Steven Firkser '83  
 Linda A. Fisher '73  
 Ellen B. Fishman '78  
 Joseph F. Flanagan '56  
 Joseph P. Flanagan, Jr. '52  
 Dennis M. Flannery '64  
 Hon. J.H. Flannery, Jr. '58  
 Lawrence E. Flatley '75  
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 Deborah Large Fox '80  
 Lawrence J. Fox '68  
 David C. Franceski, Jr. '80  
 Spencer W. Franck, Jr. '69  
 Mahlon M. Frankhauser '57  
 Christine A. Freeman '77  
 Robert Alan Friedel '86  
 Rochelle Friedlich '84  
 Mark H. Friedman '74  
 Gerald S. Frim '84  
 Lourdes M. Fuentes '92  
 Steven B. Fuerst '70  
 Robert G. Fuller, Jr. '64  
 Michael A. Fusco II '72  
 E. Marianne Gabel '77  
 William N. Gabovitch '87  
 Richard L. Gabriel '87  
 Michael A. Gaffin '68  
 Geralyn Gahrn-Humphrey '84  
 Andrew P. Gaillard '85  
 Linda A. Galante '79  
 Chris F. Gallagher '72  
 Bruce D. Gallant '81  
 Nicole D. Galli '92  
 Lewis I. Gantman '77  
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Francis X. Gindhart '66  
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 John Joseph Giuffre '87  
 Suzanne L. Glassburn '90  
 Bernard Glassman '61  
 Jacqueline Glassman '91  
 Howard S. Glazer '90  
 Wendy Glazer '83  
 Francis E. Gleeson, Jr. '62  
 Claude P. Goddard, Jr. '79  
 Joseph A. Godles '79  
 Ellen M. Goering '81  
 Richard L. Goerwitz, Jr. '59  
 Kenneth Craig Gold '87  
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 Ira C. Goldklang '90  
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 Marcia D. Greenberger '70  
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 Burton K. Haimes '68  
 Mark S. Haines '89  
 Sean Michael Halpin '93  
 H.B. Hander '68  
 Leslie B. Handler '59  
 Arthur W. Hankin '68



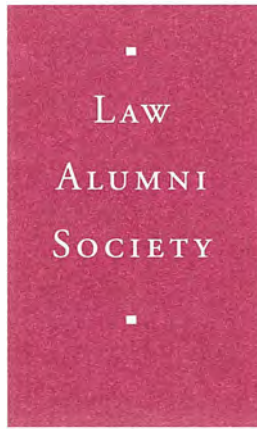
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John L. Harrison, Jr. '63  
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Peter Hearn '61  
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Irving M. Hirsh '55  
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Linda K. Hobkirk '93  
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Edward Hoopes '60  
Paul D. Horger '62  
Dennis M. Horn '76

Selwyn A. Horvitz '59  
James N. Horwood '61  
Richard M. Horwood '65  
Marion Sokal Hubing '90  
Richard A. Huettner '52  
Mary E. Huey '83  
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Jeffrey H. Ingerman '82  
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Maria P. Iturralde GL '90  
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Marshall J. Jacobson '74  
Richard A. Jacoby '64  
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Sheldon E. Jaffe '71  
John Jamieson, Jr. '77  
Storm D. Jamison '90  
James W. Jennings '65  
Robert J. Jones '64  
Edward W. Jones II '49  
Virginia B. Junewicz '78  
Scott A. Junkin '73  
Kenneth S. Kail '80  
Seymour Kanter '56  
John O. Karns '57  
Daniel Raphael Katz '89  
Robert J. Katzenstein '76  
Warren J. Kauffman '62  
David J. Kaufman '55  
Anthony S. Kaufmann '70  
Christopher R. Kaup '91  
Judy L. Kavjian '90  
Brian T. Keim '68  
Ben L. Keisler '81

John Patrick Kelley '62  
Kevin W. Kelley '82  
Eric D. Kelly '75  
Robert L. Kendall, Jr. '55  
Martha J. Keon '93  
Catherine Kessedjian GL '81  
Edward Kessel '60  
Mark K. Kessler '60  
Lori Denise Kettering '89  
Hiroshi Kikuchi GL '93  
T. F. Killheffer, Jr. '61  
Paul S. Kimbol '72  
Hon. M. Patrick King '59  
Milton P. King '52  
Rochelle Bergman King '77  
Janis King-Robinson '88  
Rachel Marks Kipnes '84  
Wilbur L. Kipnes '74  
David Kittner '51  
Barry D. Kleban '77  
Marc H. Klein '91  
Michael R. Klekman '73  
Michael H. Kline '76  
Ralph J. Kmiec '59  
Alison D. Knox '77  
Rodman Kober '60  
Lorraine Kiessling Koc '83  
Henry K. Kopel '86  
Jurgen Kopfer GL '83  
Harriet J. Koren GL '83  
Alan F. Kornstein '78  
Israel E. Kornstein '79  
Mikael Kovamees GL '85  
Lawrence Michael Kramer '88  
Lisa Kramer '70  
Hon. Paul R. Kramer '49  
Stephen D. Kramer '74  
Wendy Karlan Kramer '87  
Marc C. Krantz '86  
Norman M. Krantz '55  
Mitchell Glen Krapes '88  
Edwin Krawitz '55  
Isabel Weil Kreiss '73  
Donald A. Kress '71  
Goncer M. Krestal '57  
Jennifer B. Krevitt '92  
Ronald A. Kriss '71  
Martin N. Kroll '63  
Howard Scott Krooks '89  
Robert Kruger '63  
Emanuel J. Krumholtz '86  
Sidney H. Kuflik '76  
Robert R. Kugler '70  
Jennifer Stein Kumble '90  
James F. Kurkowski '90  
Lawrence B. Kurland '77  
Seymour Kurland '57  
Franklin L. Kury '61  
Murray Kushner '76



- Marilyn Ziff Kutler '74  
Jeffrey L. Kwall '81  
Judah I. Labovitz '63  
Hon. Joseph T. Labrum, Jr. '50  
Nina J. Lahoud '81  
William O. Lamotte III '68  
Carlos L. Landin GL '90  
Marc Andrew Landis '87  
Robert D. Lane, Jr. '77  
Sue Nadel Lang '71  
Howard I. Langer '77  
Marc C. Laredo '84  
Joseph E. Lastowka, Jr. '66  
Charles S. Laubach '84  
Pierrick B. Le Goff GL '92  
Hon. David W. Leahy '58  
Miriam M. Leder '85  
James R. Ledwith '63  
Helena Lee '85  
Thomas Choo-Il Lee '88  
Arthur W. Lefco '71  
Arthur W. Leibold, Jr. '56  
Leon A. Lekai '87  
Dominique M. Lemoine '90  
Joseph M. Lemond '90  
Yves E. Lepage GL '82  
Clifford B. Lepage, Jr. '69  
Benjamin Lerner '65  
Karen Rosenow Lerner '91  
Jeffrey A. Less '69  
Paul A. Lester '74  
Julie Jo Levenson '90  
Jay M. Levin '81  
Richard A. Levine '72  
Robert J. Levine '75  
Stacy Jarett Levitan '90  
Arthur Levy '55  
Dale Pennys Levy '67  
Ralph B. Levy '70  
William N. Levy '66  
Martin J. Lewin '73  
Edward J. Lewis '62  
Philip R. Lezenby, Jr. '73  
Michael Lieberman '91  
Howard Lindenberg '88  
Gail A. Lione '74  
Craig L. Lipsay '93  
David H. Lissy '68  
Arthur R. Littleton '51  
Luciano Lizzi '91  
Harold A. Lockwood, Jr. '54  
Ted S. Lodge '84  
Hon. G. Craig Lord '71  
Hon. Helge J. W. Loytved GL '74  
Donald G. Lucidi '87  
Steven K. Ludwig '83  
Allan W. Lugg '53  
Alberto E. Lugo-Janer GL '82  
Randall D. Luke '60  
William F. Lynch II '49  
Daniel J. Lyons, Jr. '62  
Lawrence E. Mac Elree '49  
Thomas F. MacAniff '63  
Arnold Machles '63  
Janet Benjamin Macht '46  
Donald M. Maclay '61  
Edward W. Madeira, Jr. '52  
Antonio Magliocco, Jr. '77  
Dr. Thomas R. Mai GL '89  
Gregory J. Manderlink '89  
Hon. William J. Manfredi '68  
Joseph G. Maniaci '83  
Ralph F. Manning '73  
Thomas J. Manning, Jr. '74  
Eric J. Marandett '92  
Alan William Margolis '58  
Robert Margolis '48  
Hon. Dominic T. Marrone '55  
Jerrilyn G. Marston '84  
Dennis A. Martin '76  
Ruben A. Martino '82  
Mary Crinigan Marvin '79  
Leona Yurdin Marx '68  
Edward A. Mas '92  
Theodore W. Mason '72  
Randy M. Mastro '81  
Yukihiro Masuda GL '92  
Charles E. Mather III '59  
J. Alan Matheson '47  
Herman H. Mattleman '49  
Michael P. Maxwell GL '80  
Darryl J. May '81  
Ann E. Mayer '75  
Elliot M. Maza '85  
Sergio Mazzillo GL '77  
Milford L. Mc Bride, Jr. '49  
Rear Admiral James J. McHugh '54  
Robert C. McAdoo '48  
Gerald Paul McAlinn '79  
Thomas B. McCabe III '78  
James C. McConnon '51  
Randall H. McFarlane '73  
Eugenia McGill '84  
Melissa McKee '90  
Mary A. McLaughlin '76  
Richard L. McMahon '56  
K.E. McMahon-Stoll '76  
John McNelis '50  
Edward M. Medvene '57  
Paul R. Melletz '63  
Matthew A. Melone '93  
Joyce A. Mends-Cole GL '86  
Mark J. Menting '83  
Regina Haig Meredith '51  
Ellen Metzger '77  
Joyce S. Meyers '80  
Marjorie A. Meyers '82  
Albert B. Michell '60  
Yasuhiro Miki GL '91  
Kathy Marlo Miljanic '92  
Deborah Beth Miller '93  
George James Miller '51  
J. Gregg Miller '69  
Margery K. Miller '72  
Tracy Diane Miller '90  
David L. Millstein '72  
Edward W. Millstein '91  
Lucy Jane Minehan '91  
Anthony S. Minisi '52  
Makoto Minoguchi GL '88  
Erica S. Mintzer '93  
Jeremy D. Mishkin '79  
A. P. Mitchell '90  
Akinobu Miyoshi GL '82  
Hiroshi Mizunoue GL '88  
Allen J. Model '80  
Michael W. Monk '74  
Murray S. Monroe '50  
Joseph L. Monte, Jr. '63  
Edwin S. Moore III '62  
Raymond E. Morales '80  
Mary Kathleen Moran '90  
Elaine Newman Moranz '80  
William J. Morehouse '65  
Evelyn Gonzalez Morgan '82  
Pauline K. Morgan '87  
Gordon G. Morie '67  
Mark Kimio Morita '92  
Donna B. Morris '90  
Linda C. Morris '82  
Stephen J. Moses '62  
Edgar E. Moss II '53  
Mary Anastasia Moy '89  
Raymond U. Mueller, Jr. '56  
Alain Mulkay '93  
Giovanni Mileni Munari GL '91  
Francis W. Murphy '62  
Robert J. Murphy, Jr. '74  
Dr. Maven J. Myers '66  
Reto A. Nadig GL '92  
Stephanie Weiss Naidoff '66  
Tomohiro Nakamoto GL '90  
Chris B. Nakamura '89  
Nicholas J. Nastasi '67  
Nathan Tokuo Natori '90  
Spencer G. Nauman, Jr. '61  
Mansfield C. Neal, Jr. '64  
Fred E. Newberg '65  
Joshua Adam Newberg '89  
Charles M. Newbrand '68  
Samuel W. Newman '60  
Tuong Vi Le Nguyenduy '81  
Leslie Nixon '81  
John W. Noble '75  
Jacob I. Nogi '67  
David A. Norcross '61  
Roderick G. Norris '53  
David W. O'Brien '49  
Kathleen O'Brien '76  
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Hon. James A. O'Neill '49  
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Michael J. Ossip '79  
Lambert B. Ott '49  
Wilfried Ottel '87  
Richard D. Oughton GL '77  
Lisa Goldberg Ozer '79  
Andrew J. Pal '89  
Charlene Kulick Pal '88  
Grant Scarns Palmer '89  
Richard S. Panitch '89  
Athanasios Papaioannou GL '88  
Kyung Jae Park '80  
Young K. Park '90  
Lewis F. Parker '62  
Albert P. Parker II GL '90  
Glen A. Payne GL '74  
Jose R. Paz Padilla GL '81  
Frances Alice Peale '93  
Samuel S. Pearlman '66  
Norman Pearlstine '67  
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Walter L. Pepperman II '67  
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Lauren Elizabeth Pfundt '86  
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Nancy Washor Pierce '74  
Deborah Reina Pilch '89  
Thomas E. Pitts, Jr. '76  
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Charles K. Plotnick '56  
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Martin D. Pollack '76  
Sharon Guss Pollack '86  
Mark Pollak '71  
Joy Kleiner Pollock '68



- Adrian K. Pope GL '86  
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 Robert L. Pratter '69  
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 Gregory P. Pressman '69  
 John P. Proctor '67  
 Thomas J. Profy III '66  
 Donald T. Puckett '53  
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 Helen Pomerantz Pudlin '74  
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 Jeffrey Alan Rackow '91  
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 Roselyn Prager Ramist '64  
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 Samuel J. Reich '60  
 Robin Resnick '86  
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 I. J. Rodriguez-Aguilar '84  
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 Thomas R. Schmuhl '71  
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 Neal A. Schwarzfeld '71  
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 Alan D. Seget '74  
 Nina G. Segre '74  
 Joseph L. Seiler III '80  
 Edward M. Seltz '51  
 David Seliger '54  
 Sharon A. Semenza '81  
 Evan Y. Semerjian '64  
 Toby Rose Serkin '89  
 Michelle M. Shanahan '91  
 William R. Shane '61  
 Paul H. Shaphren '80  
 Thomas Bert Shapira '92  
 Hon. Anita Rae L. Shapiro '65  
 Charles S. Shapiro '48  
 Ira S. Shapiro '73  
 Mitchell Craig Shapiro '89  
 Neil R. Shapiro '87  
 Hon. Norma L. Shapiro '51  
 Paul E. Shapiro '67  
 Sandra Shapiro '69  
 Steven Todd Shapiro '92  
 Jason M. Shargel '77  
 Howard L. Shecter '68  
 Leslie K. Shedlin '79  
 Patrick Shelley '83  
 Eyal Shiff GL '92  
 Dr. Edward B. Shils '86, GL '90  
 John Shniper '71  
 George J. Shotzbarger '78  
 Gerard P. Shotzbarger '81  
 Alvin G. Shpeen '56  
 Morris M. Shuster '54  
 Patty Shwartz '86  
 Joel D. Siegel '66  
 David F. Simon '77  
 Albert R. Simonds, Jr. '68  
 William Sherman Skinner '86  
 Juliana M. Skrapits '79  
 Leonard S. Slavitt '56  
 Hon. Dolores K. Sloviter '56  
 Barry R. Smith '75  
 David F. Smith '78  
 Leslie H. Smith '90  
 Jerome G. Snider '75  
 Edward L. Snitzer '55  
 Lee A. Snow '81  
 Alvin L. Snowiss '55  
 M. J. Snyder '66  
 Larry D. Sobel '76



Rudolph A. Socey, Jr. '68  
 Jason A. Sokolov '67  
 Arthur R. G. Solmssen '53  
 Mark E. Solomons '70  
 Amy Karig Sommer '77  
 Daniel C. Soriano, Jr. '63  
 David H. Sorokoff '85  
 Laurel Jane Southworth '93  
 Charles Sovel '57  
 Jeffrey Alan Spector '92  
 Martin W. Spector '62  
 Jonathan Howard Spergel '93  
 Hon. Oscar F. Spicer '59  
 Barry R. Spiegel '54  
 Alan L. Spielman '67  
 Federico Spinola GL '84  
 Max Spinrad '63  
 Jennifer M. Spotila '93  
 Dr. Carol A. Springer '78  
 Robert J. Staffaroni '76  
 Benjamin F. Stahl, Jr. '39  
 Vernon Stanton, Jr. '60  
 Jonathan E. Stark '85  
 Richard D. Steel '66  
 Jacqueline A. Stefkovich '90  
 Joseph J. Steflik, Jr. '71  
 Hon. J. R. Steinberg '63  
 Lewis G. Steinberg '68  
 Stephen P. Steinberg '69  
 Mark N. Steinberger '74  
 Horace A. Stern '48  
 Stanley P. Stern '53  
 Richard W. Stevens '58  
 William S. Stevens '75  
 Mark S. Stewart '82  
 George S. Stewart III '54  
 Marjory Stone '72

Jeffrey M. Stopford '69  
 Michael David Stovsky '91  
 J. Terry Stratman '65  
 James A. Strazzella '64  
 Lucindo Suarez '76  
 Joseph A. Suchoza '53  
 Walter I. Summerfield, Jr. '52  
 Wayne W. Suojanen '80  
 Dennis R. Suplee '67  
 John R. Suria '57  
 Ellen L. Surloff '80  
 Andrew M. Susser '92  
 Mark R. Sussman '77  
 William C. Sussman '73  
 Winifred Lynn Swan '91  
 James F. Swartz, Jr. '54  
 Charles N. Sweet '72  
 Kenneth Syken '52  
 John T. Synnestvedt '52  
 Keiji Takahashi GL '85  
 Myles H. Tanenbaum '57  
 Neil H. Tannebaum '65  
 Carl S. Tannenbaum '70  
 Jonathan N. Tanner '74  
 Louis M. Tarasi, Jr. '59  
 Frank K. Tarbox '50  
 Gary I. Teblum '79  
 Ronald M. Telanoff '65  
 Darius Tencza '76  
 Dr. Franz Tepper GL '87  
 William Thatcher '54  
 Lowell S. Thomas, Jr. '60  
 Jere R. Thomson '68  
 Kathryn Ballow Thomson '90

Ira P. Tiger '59  
 Eric Ames Tilles '89  
 Glen A. Tobias '66  
 Frank Nathan Tobolsky '87  
 Hon. William C. Todd III '76  
 Ira D. Tokayer '82  
 Robert I. Toll '66  
 David R. Tomb, Jr. '59  
 Sandra Tomkowicz '88  
 Hon. H. Hurlburt Tomlin '47  
 David C. Toomey '63  
 Terri Solomon Topaz '79  
 Mario R. Torcuator GL '86  
 Randolph W. Tritell '77  
 Stella Ming Tsai '88  
 Hon. Alison W. Tumas '84  
 Wendy Carson Turk '88  
 Alec Ian Ugol '89  
 Hon. D. W. Van Artsdalen '47  
 Col. Joseph C. Van Cleve, Jr. '53  
 Yvette M. C. Van Loon GL '90  
 Ross Vandenberg '69  
 Joost J. Vanlanschot GL '81  
 Michael P. Vanvoorhis '80  
 Michael D. Varbalow '63  
 Michael B. Vath '66  
 Donald P. Vernon '53  
 Jo-Ann M. Verrier '83  
 Harold K. Vickery, Jr. '66  
 Patricia Sellers Viseur '79  
 Peggy Brenner Wachs '86  
 Nathan Wager '92  
 Elior R. Wagner '85  
 David E. Wagoner '53  
 Sean P. Wajert '84  
 Hon. Jay C. Waldman '69  
 Paul R. Walker '69  
 Virginia Barton Wallace '50  
 Sharon Kaplan Wallis '67  
 William T. Walsh '49  
 Hon. John Walter '60  
 Andrea E. Ward '89  
 Melissa Allison Warren '88  
 Webb Wassmer '89  
 Akihiko Watanabe GL '91  
 Diane Theresa Weber '90  
 Irwin J. Weiner '58  
 Lawrence Weiner '67  
 Friedrich J. Weinkopf GL '58  
 Mark M. Weinstein '68  
 Edward H. Weis '70  
 Mark S. Weisberg '88  
 Mildred Lubich Weisberg '48  
 Morris L. Weisberg '47  
 Gregory A. Weiss '69  
 Ronald P. Weiss '72  
 Sheldon M. Weiss '53  
 Frederick Weitzman '57  
 Roy H. Wepner '74  
 Kenneth R. Werner '73  
 S. Mark Werner '78

Caroline Gittis Werther '86  
 George W. Westervelt, Jr. '73  
 Natalie Lewis Wexler '83  
 Dru S. White '81  
 Hon. Helene N. White '78  
 Robert I. Whitelaw '70  
 Edward H. Wiley '75  
 Mervin M. Wilf '55  
 Amy E. Wilkinson '83  
 Kenneth C. H. Willig '80  
 Kenneth W. Willman '86  
 Lance Henry Wilson '72  
 Marvin M. Wodlinger '60  
 Stephen R. Wojdak '65  
 George B. Wolfe '77  
 Prof. Bernard Wolfman '48  
 Toni G. Wolfman '75  
 Herbert S. Wolfson '88  
 Michael Bryan Wolk '91  
 Milton A. Wollman '48  
 Hon. Lawrence E. Wood '61  
 Richard H. Woods '68  
 Robert H. Yaroschuk '58  
 Sidney T. Yates '54  
 Stephen G. Yusem '63  
 Norman P. Zarwin '55  
 James E. Zeigler '57  
 John F. Zeller 3rd '48  
 Amy Wein Zellerbach '91  
 Thomas H. Zellerbach '91  
 Richard A. Zellner '67  
 Edward Zimmerman '92  
 William Paul Zimmerman '89  
 Howard Zucker '77



# Alumni Briefs

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'29

GUY G. DE FURIA established and received approval from the Delaware County Bar Association for the Guy G. de Furia Inn of Court as a section of the Bar Association. The Inn is one of 193 in the United States, composed of judges, professors and trial lawyers interested in advancing trial practice.

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'33

HERMAN E. CARDONI is one of the three oldest members of the American Bar Association still practicing law in Luzerne County, Pennsylvania. He is also an honorary member of the Wilkes-Barre Law Library.

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'38

BERNARD FRANK was elected a Vice President of the Jewish Publication Society, a non-profit organization which publishes and disseminates books of Jewish interest for adults and children. In addition, the International Ombudsman Institute Board of Directors awarded Frank its Honorary Life Membership in appreciation of exceptional service to the Ombudsman concept.

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'41

MARVIN COMISKY, chairman emeritus of the law firm Blank, Rome, Comisky & McCauley, was honored by the Jewish National Fund of Philadelphia, attorney's division, at a gala dinner in June. At the dinner, Comisky received the prestigious "Keren Kayemeth Award," presented for his outstanding support of the Jewish National Fund and the State of Israel (*The Legal Intelligencer*, 6/2/94).

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'49

MARSHALL A. BERNSTEIN, founding partner of the Philadelphia-based law firm Bernstein, Silver & Gardner, served as a Lecturer in Law for the LL.M. course in Trial Advocacy at Temple University Law School in Philadelphia during the summer 1994 semester (*Pennsylvania Law Weekly*, 8/8/94).

HERMAN MATTHEMAN, a partner with the law firm of Mattleman, Greenberg, Shmerelson, Weinroth & Miller, was appointed to the Board of The Philadelphia Foundation, a community foundation serving the Philadelphia area.

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'50

DANIEL H. ERICKSON recently traveled to the Republic of Kazakhstan where he lectured to law students, government officials, lawyers and members of the Supreme Court of Arbitration on western business practices.

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'51

HAROLD BERGER, a managing principal and senior partner with the law firm of Berger & Montague, P.C., has been appointed by the Federal Bar Association in Washington, D.C. to serve as national committee chairman of the National Alternate Dispute Resolution Committee. The committee has been charged with maintaining close cooperation and liaison with the U.S. Supreme Court, the Conference of Chief Justices, the United States Judicial Conference, the American Bar Association and various state bar associations (*The Legal Intelligencer*, 6/22/94).

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'53

VINCENT J. APRUZZESE, a senior partner with the law firm of Apruzzese, McDermott, Mastro & Murphy, has been elected chair of the Board of Trustees of the New Jersey State Bar Foundation, the educational and philanthropic arm of the New Jersey State Bar Association (NJSBA). He was also named chair of the NJSBA Nominating Committee, which reviews and nominates candidates for positions on the Board of Trustees, Nominating Committee, and delegates to the American Bar Association.

GORDON CAVANAUGH, of the law firm Reno & Cavanaugh, has been elected chairman of The Cooperative Housing Foundation, a U.S. based non-profit organization dedicated to obtaining adequate shelter and healthy environments worldwide.

WILLIAM B. SCATCHARD, JR., president of the Mount Laurel, New Jersey law firm of Capehart & Scatchard, P.A., was named chair of the New Jersey State Bar Association Lawyer Advertising Committee. The committee addresses lawyer advertising issues related to and affecting the practice of law, reviews

proposed forms of advertising, and recommends modifications to the New Jersey Supreme Court Committee on Attorney Advertising.

'54

JEROME B. APFEL, a partner with the law firm of Blank, Rome, Comisky & McCauley, was appointed chair of the Pennsylvania Bar Association's Legal Affairs of Older Persons Committee, which focuses on legal problems experienced by the elderly (*The Legal Intelligencer* 8/23/94). Apfel was also appointed to a three-year term on the Annenberg Center Advisory Board, making him an Associate Trustee of the University of Pennsylvania.

S. GERALD LITVIN joined Lloyd Ziff '71 in a panel discussion at the Federal Bench-Bar Conference in June. The discussion focused on last year's decision in *Hall v. Clifton Precision*, 150 F.R.D. 525, which ruled that lawyers representing witnesses in depositions cannot confer with clients, even during breaks, and that most objections at deposition are improper, unless made to assert a privilege (*The Legal Intelligencer*, 6/28/94).

MORRIS M. SHUSTER has joined the newly formed firm of Chimicles, Jacobsen & Tikellis in Haverford, Pennsylvania.



Hon. Dolores Sloviter '56

'56

ARTHUR W. LEIBOLD, JR. was recently appointed to the ABA Standing Committee on Ethics and Professional Responsibility, which prepares the ABA Opinions on the Model Rules of Professional Conduct. He was also reelected to his second term as the Vice President of the American Bar Endowment, the insurance arm of the American Bar Association. In addition, Leibold's article entitled "Lawyers at Risk: Lawyer Asset Freezes and Other Chilling Experiences" was published in the Summer 1993 issue of *The Review of Litigation of the University of Texas Law School*.

HARRIS OMINSKY published an article in the July 7, 1994 edition of *The Legal Intelligencer* entitled, "New Law Ties Up Fire Insurance Proceeds." The article discusses a new ordinance recently adopted by the City of Philadelphia that encourages the restoration of property.



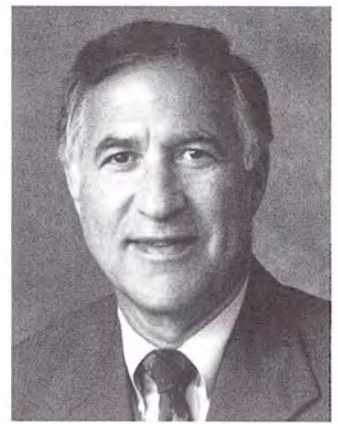
Steven A. Arbittier '63

CARL W. SCHNEIDER, of the Philadelphia law firm Wolf, Block, Schorr and Solis-Cohen, serves as an advisor to *The Review of Securities & Commodities Regulation*, a publication that analyzes current laws and regulations affecting the securities and futures industries.

HON. DOLORES K. SLOVITER, Chief Judge of the U.S. Court of Appeals for the Third Circuit, has been appointed by the Federal Bar Association in Washington, D.C. to serve as a member of the National Alternate Dispute Resolution Committee (*The Legal Intelligencer*, 6/22/94). In addition, Judge Sloviter has announced formation of the Third Circuit's Task Force on Equal Treatment in the Courts. The Task Force will conduct an inquiry through commissions on gender and race/ethnicity.

'61

ARTHUR J. ENGLAND, JR. was listed in the *South Florida Business Journal's* "Who's Who: 100 People Who Make Things Happen in South Florida" as "one of the



David H. Marion '63

most prominent and influential figures on the South Florida legal scene, having served as Justice and Chief Justice of the Supreme Court of Florida" (*South Florida Business Journal*, 4/29/94). England will also be included in a book entitled *Best Lawyers of America* for the third time.

'63

STEVEN A. ARBITTIER, a partner with the law firm of Wolf, Block, Schorr and Solis-Cohen, was inducted as a Fellow into the American College of Trial Lawyers, an honorary society of practicing trial lawyers, former trial lawyers in elective or appointive posts, and judges.

DAVID H. MARION was appointed Pennsylvania State Chairman of the American College of Trial Lawyers (ACTL), an honorary fellowship for distinguished trial lawyers. As chairman, he will preside over the Pennsylvania Committee, which initiates and considers proposals for nomination for fellowship in

the college (*The Legal Intelligencer*, 10/11/94). Marion was also reelected by the partnership of Montgomery, McCracken, Walker & Rhoads to the position of Vice Chairman. His term will extend through the firm's next two fiscal years (*The Legal Intelligencer*, 5/12/94).

'64

STEPHEN A. COZEN, chairman and founder of Cozen & O'Connor, served as moderator for the firm's second annual "Property Insurance Seminar" held in Philadelphia in May. The one-day event, which was designed for insurance company staff adjusters, supervisors, managers, insurance company staff counsel, and senior claims executives, provided a survey of recent developments in property insurance law and practice (*The Legal Intelligencer*, 6/14/94).

H. ROBERT FIEBACH, a partner in the litigation department of Wolf, Block, Schorr and Solis-Cohen, was recently appointed chair of the Standing Committee on Lawyers' Professional Liability by the American Bar Association (*The Legal Intelligencer*, 7/1/94).

JAMES ROBERT PARISH of Studio City, California, is the author of *Marriage & Divorce Hollywood Style* (Pioneer, 1994), *Ghosts & Angels On The Screen* (McFarland, 1994), *Today's Country Music Stars* (Pioneer, 1994) and *Today's Black Hollywood* (Zebra, 1994).



Richard M. Shusterman '64

RICHARD M. SHUSTERMAN, a partner in the Philadelphia law firm of White and Williams, received the Appleman Award at the Annual Meeting of the Federation of Insurance & Corporate Counsel (FICC) held in Vancouver, British Columbia in July. The FICC is an international organization of defense attorneys, insurance company executives and corporate counsel who are involved in the defense of civil litigation. The Appleman Award is given to the chair of one of the FICC's substantive law sections in recognition of the outstanding work done during the year by that section and its chair. Shusterman chairs the FICC Insurance Coverage Section.

JOHN C. WRIGHT, JR. participated in the seminar "This Year in Nonprofit Law" presented by Montgomery, McCracken, Walker & Rhoads. Wright, a partner in the firm's labor and employment law department, discussed "Employment Law."

## HELP US LOCATE YOUR REUNION CLASSMATES!

We'd like to invite the following alumni to Alumni Weekend '95 on May 19-21, 1995. Can you help us locate them? If so, please call (215) 898-6303 or send a note with updated information to the Law Alumni Office, 3400 Chestnut Street, Philadelphia, PA 19104-6204.

Thanks for your help!

'30

Horacio Casasus  
H. G. Lowenstein  
Charles Nelson Moffett  
Harry Steinberg

'35

Samuel H. Kaplan

'40

Joseph K. Gilligan  
Maurice H. Kirshner  
Henry Larzelere  
Albert E. Turner, Jr.

'50

Robert W. Mills  
Norvin Nathan

'55

Jean Francois Blanchon

'60

Felix Albert  
C. Zachary Seltzer  
Charles M. Stonehill

'65

James A. Freyer  
Gustavo A. Gelpi  
James H. Johns, Jr.  
John E. Kolofolias  
Bruce E. Lacoss  
Harihar A. Patel  
Michael E. Quinlan  
David P. Ross

'70

David K. Brewster  
James A. Burke  
Walter M. Lowney  
Ronald G. Nathan

'75

Robert S. Berry

'80

Ahcene Boulesbaa  
Henrique D. Carneiro  
Ira A. Freedman  
Margaret C. Gilbert  
Corazon P. Paredes  
Luis A. Tinoco

'85

Nathalie M. Joannes  
James H. Laird  
Godfred A. E. Penn  
Amy Davidson Skezas  
Gilles J. Thieffry

'90

Kouassi R. Amoussouga  
David Blatte  
Shu-Mei Chang  
Han-Wei Lin  
Wendell J. Llopis  
Stacy A. Malkin  
Jennifer Y. Mokgoro  
Jorge A. Ramos  
Veyis Sucuz  
Ning Ye  
Richard Paul Zermani



'65

NEIL G. EPSTEIN, a shareholder at the Philadelphia law firm of Connolly Epstein Chicco Foxman Engelmyer & Ewing, spoke in May at a seminar entitled "Environmental Remediation In Pennsylvania," offered by the Institute of Business Law at California State University. Epstein lectured on "Federal Liability On CERCLA Sites."

WILLIAM H. EWING, a founder and shareholder with the Philadelphia law firm of Connolly Epstein Chicco Foxman Engelmyer & Ewing, addressed a recent meeting of the Delaware Valley Chapter of the National Association of Housing and Redevelopment Officials, speaking on the topic, "Zoning Out The Homeless: Recent Trends Affecting Community Development" (*The Legal Intelligencer*, 8/1/94).

'66

MICHAEL COLEMAN moderated a panel discussion entitled "Ending the Drought: How to Make Rain in the '90s," held at a Pennsylvania Bar Association seminar and sponsored by the PBA's Women in the Profession Committee. According to Coleman, the seminar had two main objectives: first, to provide women attorneys with practical tips on how to "make rain," and second, to help male attorneys understand the importance of creating an environment in which women perceive that they have equal opportunities to advance their careers (*The Legal Intelligencer*, 5/18/94).

CASWELL O. HOBBS, a senior partner in the law firm of Morgan, Lewis & Bockius, has been elected as the 1994-1995 Chair of the American Bar Association's Section of Antitrust Law.

EDWARD F. MANNINO, chairman of the law firm of Mannino, Walsh & Griffith, P.C., was a principal speaker at the Prentice Hall Law and Business Conference on "Professional Liability: Effective Responses for Lawyers and Accountants," held in New York City in June. Mannino addressed such topics as the trial of professional liability cases, focusing on jury selection techniques, the effective presentation of expert testimony, and methods of striking or limiting expert testimony (*The Legal Intelligencer*, 6/15/94).

TODD S. PARKHURST, a partner at the law firm of Schiff Hardin & Waite, is the new president of Lifeline Pilots, a non-profit organization which provides free flights for ill children and adults to distant hospitals (*The Chicago Tribune*, 7/5/94).

'67

THOMAS R. BOND, a shareholder in the Philadelphia firm of Marshall, Dennehey, Warner, Coleman and Goggin, spoke at the Pennsylvania Chamber of Business and Industry's 1994 fall training program and conference. Bond, a member

of the faculty of "The Nuts and Bolts of Workers' Compensation" seminar, discussed the communication process between employers and their carriers. In addition, he was elected Vice President of the Eastern District for the Pennsylvania Defense Institute at the conference held at the end of September.

NESSIM LEVY was a guest on "Ernst & Young's Weekend Business Report," an entrepreneurial business information series sponsored by Ernst & Young and broadcast over WOR radio in New York.

STEPHEN SCHOEMAN authored "The Lawyer's Approach to Critical Thinking," which appeared in *Inquiry*, a publication sponsored by the Institute for Critical Thinking at Montclair State University. Schoeman also received a Ph.D. in political science from New York University and is currently teaching a course on the American Presidency at the New School for Social Research in New York City.

WILLIAM V. STRAUSS, JR., a partner at the law firm of Strauss & Troy, was the featured speaker at the Institute of Real Estate Management meeting held in September in Cincinnati. He discussed the use and analysis of limited liability companies, a new form of business entity that serves as an alternative to the partnership or corporation form of organization and which decreases personal liability and increases tax planning advantages.



William V. Strauss, Jr. '67



Peter G. Glenn '68

DENNIS R. SUPLEE, chairman of the law firm Schnader, Harrison, Segal & Lewis, has been elected president of the Philadelphia Association of Defense Counsel (*The Legal Intelligencer*, 7/7/94).

'68

PETER G. GLENN was recently invested as the ninth dean of the Dickinson School of Law.

STEPHEN C. ZIVITZ, partner with the law firm of White and Williams, spoke on "Basic Tax Considerations — What You Need to Know in Order to Choose the Appropriate Estate Plan," at

the National Business Institute Conference in Philadelphia. He also presented "Tax Aspects of Litigation Settlements" at the 1994 Philadelphia Tax Conference.

'69

RICHARD C. RIZZO was elected managing partner of the Philadelphia office of the law firm Dechert Price & Rhoads, a newly-created position. He assumes his new role while retaining his existing position as the firm's finance partner.

'71

BARRY M. ABELSON, a partner in the Philadelphia-based law firm of Pepper, Hamilton & Scheetz, was recently named to the Board of Directors of Covenant Bank. He also continues his roles as chair of his firm's corporate and securities practice group and director of Intelligent Electronics, Incorporated.

ALAN M. DARNELL, a senior partner with the Woodbridge-based law firm of Wilentz, Goldman & Spitzer, has been reappointed chair of the Insurance Benefits Committee of the New Jersey State Bar Association. This committee, together with the Association-appointed insurance administrator, explores the various coverage options for members.

DAVID W. HORNBECK, an educational reform advisor and former State Superintendent of Schools for the State of Maryland, was selected by the Philadelphia Board of Education as the new Superintendent of the School District of Philadelphia.

'72

IRA GENBERG was selected to chair a national series of seminars sponsored by Prentice Hall Law & Business. The seminars featured some of the nation's top trial lawyers and focused on techniques and strategies in trying complex civil cases.

GEORGE E. GOLOMB was named a member of the Board of Governors of the Maryland State Bar Association for 1994-1996 and a member of the Executive Council of the Bar Association of Baltimore City for 1994-1995. In addition, Golomb holds the part-time position of Professor of Legal Writing at the University of Baltimore Law School for 1994-1995, while continuing his private practice in Baltimore.

ROBERT C. HEIM, partner with the law firm of Dechert Price & Rhoads and past chancellor of the Philadelphia Bar Association, was elected treasurer of the National Conference of Bar Presidents (NCBP), which consists of 300 presidents and executive directors from state and local bars who meet bi-annually to discuss a broad range of law-related issues that affect the legal profession and the public. Heim is now on

## IN SEARCH OF ALL PENN LAW ALUMNI/AE

*Have you ever tried to get in touch with a classmate, only to find that the last address you have is eight years old?*

*Soon a directory of our alumni/ae will be available to help you locate your old Law School friends.*

*The new University of Pennsylvania Law School Alumni/ae Directory, scheduled for publication in June 1995, will be the most up-to-date and complete reference of over 8,400 Penn Law alumni/ae ever compiled!*

*This comprehensive volume will include name, address and telephone number, academic data, and business information bound in a library-quality edition. The Directory will be produced by Bernard C. Harris Publishing Co., Inc. You will receive a questionnaire from Harris as the process of researching and compiling information begins.*

*If you prefer not to be listed, please contact the Alumni Office.*

*The new Directory will make finding a Penn Law alumnus/a as easy as opening a book! Look for more details in upcoming issues of the Journal.*

the NCBP's four-year leadership track that culminates in 1997 when he will become president of the NCBP. He will be the first Philadelphia lawyer to become conference president since Robert M. Landis '47 held the post in 1978.

'73

JEFFREY BLUMENFELD was named a partner in the Philadelphia-based law firm of Blank, Rome, Comisky & McCauley, where he will concentrate on public finance (*Pennsylvania Law Weekly*, 7/4/94).

JAMES B. KOZLOFF, an adjunct professor at Temple University School of Law, Graduate Tax Program, joined the Philadelphia law firm of Spector Gadon & Rosen, P.C., as a shareholder and head of the Estates Department (*The Legal Intelligencer*, 6/22/94). In addition, Kozloff authored a reference book entitled, *Pennsylvania Forms and Commentary — Estate Administration*.

'74

IAN COMISKY, partner of the law firm of Blank, Rome, Comisky & McCauley, co-authored a two-volume book, published by Warren, Gorham, Lamont, dealing with issues of tax, fraud and

evasion. He served as chair of the Jewish National Fund of Philadelphia, attorney's division, gala dinner in June. He also spoke at the 1994 Southern Methodist University School of Law Advanced Federal Tax Litigation Conference about non-trial dispositions of criminal matters under the sentencing guidelines and plea negotiation in criminal tax matters (*Pennsylvania Law Weekly*, 9/19/94). In addition, Comisky spoke on the subject of federal sentencing guidelines at the American Bar Association's 11th National Institute on Criminal Tax Fraud and Money Laundering, held in November in New York.

MICHAEL K. FUREY, a partner with the Morristown, New Jersey law firm of Riker, Danzig, Scherer, Hyland & Perretti, was named chair of the New Jersey State Bar Association Amicus Committee. This committee reviews requests that the NJSBA become involved in matters presently pending before New Jersey and federal courts, and recommends to the Board of Trustees whether the association should appear as an amicus party in the litigation.

GILBERT E. GELDON assumed the position of Vice President of Law and External Affairs for Bell Atlantic's Directory Services.

ANDREW GOWA, counsel to the law firm of Schnader, Harrison, Segal & Lewis, spoke on commercial lease agreements at a course sponsored by the Pennsylvania Bar Institute in June (*The Legal Intelligencer*, 6/22/94).

In addition, Gowa, a member of the Board of Trustees of the Likoff Cardiovascular Institute at Hahnemann University, acted as chairman of the annual "Affair of the Heart" fundraiser, which supports the Heart Hospital at Hahnemann.

H. RONALD KLASKO, a partner and chairman of the immigration law group of Dechert Price & Rhoads, spoke at the Annual Conference of the American Immigration Lawyers Association (AILA) held in San Francisco. His presentation focused on new strategies for enabling foreign national employees on exchange visitor visas to avoid a requirement of returning to their home countries and to continue employment in the United States. Klasko, a former national president of the AILA, also served as course planner for a new advanced track of programming at the conference. In addition, two of his articles were published in the 1994-1995 *Immigration and Nationality Law Handbook*. They are entitled "Ethical Issues Affecting Immigration Law Practice" and "Waving Goodbye to the Foreign Residence Requirement Without Getting a Waiver."

WILLIAM T. KOSTURKO, general counsel at People's Bank, Bridgeport, Connecticut, was named the bank's Executive Vice President, Legal and Governmental Affairs (*The Hartford Courant*, 8/15/94).



David B. Pudlin '74

DAVID B. PUDLIN, of the Philadelphia law firm of Hangley Aronchick Segal & Pudlin, was appointed the recording secretary of the board of trustees of the Anti-Defamation League of B'nai B'rith (ADL), Eastern Pennsylvania-Delaware Region (*The Legal Intelligencer*, 8/1/94).

STUART E. WEISBERG was sworn in as chairman of the Occupational Safety and Health Review Commission in Washington, D.C. on February 23, 1994. Weisberg's term will run until April, 1999 (*BNA Occupational Safety & Health Daily*, 2/24/94).

'75

C. SUZANNE BUECHNER participated in the "This Year in Nonprofit Law" seminar presented by the Philadelphia law firm of Montgomery, McCracken, Walker & Rhoads. Buechner, a partner in the trusts and estates department of the firm, discussed "Estate and Charitable Gift Planning."



Kathleen O'Brien '76

JERRY ISENBERG was appointed to the position of Principal Assistant Director of the Division of Enforcement by the chairman of the Securities and Exchange Commission (SEC). According to the SEC, the appointment demonstrates the commission's "commitment to tougher enforcement relating to abuses of retail customers of brokerage firms" (*BNA Securities Regulation and Law Report*, 4/8/94).

'76

SIDNEY H. KUFLIK, a partner with the New York law firm of Lamb & Lerch, was elected vice president of the Customs and International Trade Bar Association.

MICHAEL P. MALLOY, Professor of Law and Director of Graduate Studies at Fordham University School of Law, published a three-volume treatise, entitled *Banking Law and Regulation*, for Little, Brown & Company.

KATHLEEN O'BRIEN, a partner with the Philadelphia law firm of Montgomery, McCracken, Walker &



Rhoads, was spotlighted in the July 1994 issue of *Working Woman* magazine in an article headlined "Grooming Women for the Top." She spoke candidly about how she became a partner at the firm and how, due in large part to her efforts, including aggressive recruiting, networking, and mentoring efforts for women, the firm's ratio of female lawyers has grown to almost one-third.

'77

GILBERT CASELLAS was confirmed as Chairman of the Equal Employment Opportunity Commission (EEOC) on September 29, 1994, by the unanimous consent of the United States Senate.

'78

REGGIE GOVAN recently published an article in the *Rutgers Law Review* entitled "Honorable Compromises and the Moral High Ground: The Conflict Between the Rhetoric and the Content of the Civil Rights Act of 1991."

JAMES A. A. PABARUE, of the Philadelphia law firm Christie, Pabarue, Mortensen and Young, spoke at the Practising Law Institute's Annual Environmental Insurance Coverage seminar in New York. He spoke about important insurance coverage litigation issues from the insurer's perspective.

MARK WERNER edited his father's memoirs, which describe his participation in a Jewish resistance group in occupied Poland during World War II. The book is entitled *Fighting Back: A Memoir of Jewish Resistance in World War II* (Columbia University Press).

'79

DONALD M. MILLINGER, Vice President and General Counsel of Wells Fargo Alarm Services, a King of Prussia-based subsidiary of Borg-Warner Security, was recently elected to the Board of Directors of the National Burglar and Fire Alarm Association (*The Legal Intelligencer*, 6/20/94).

KELLY TILLERY, senior partner with the Philadelphia-based law firm of Leonard, Tillery & Sciolla, authored and produced, in conjunction with the Embroidery Trade Association, a two-hour videotape program entitled "Copyrights and Trademarks—Protecting Your Intellectual Property," which is geared to the practical intellectual property concerns of businesses in the screen printing, embroidery, art, advertising and print industries. He was re-elected to a three-year term on the Board of Directors of the International Anti-Counterfeiting Coalition at the group's meeting in Seattle. In addition, Tillery was appointed to a three-year term as a member of the Lawyer Referral and Information Service Committee of the Philadelphia Bar Association.

## ATTENTION, AUTHORS!

*Have you published a book, chapter, or article? If so, we would like to hear from you and perhaps reprint an excerpt of your work in the Journal. Please send your submissions to Editor, Penn Law Journal, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104.*

## NON-TRADITIONAL ALUMNAE/1:

*The Alumni Office would like to hear from you about your career outside the practice of law. Your response will assist us in tracking the varied careers of our graduates in business, teaching, writing, and other pursuits. Please let us know where you are and what you are doing by contacting Alexandra Morigi, Director of the Alumni Office, University of Pennsylvania Law School, 3400 Chestnut Street, Philadelphia, PA 19104, (215) 898-6303.*

TERRI SOLOMON TOPAZ joined the firm of Grotta, Glassman & Hoffman, where she specializes in labor law.

KENNETH J. WARREN, a partner with the Bala Cynwyd law firm of Manko, Gold & Katcher, spoke on the management of CERCLA cases at the Berger Conference in Complex Litigation held at the Law School.

'80

NEIL J. HAMBURG announced the opening of his law practice at the Bell Atlantic Tower in Philadelphia. Hamburg specializes in employment, higher education and health care law.

'81

CLAIRE C. OBADE joined the Business and Finance Department of Ballard Spahr Andrews & Ingersoll as a partner. She will continue to concentrate in health care matters.

PHILIP R. RECHT was appointed chief counsel of the National Highway Safety Administration, an agency geared toward the reduction of motor vehicle travel risk in the United States.

DARRYL J. MAY was named chief counsel for litigation by PNC Bank Corporation. May will oversee litigation involving the corporation and its subsidiaries, including PNC Bank, N.A.

KYRA GOIDICH  
McGRATH was named one of the "100 People to Watch—Philly's Hottest New Leaders" in the July 1994 issue of *Business Philadelphia* magazine.

'82

BART FREEDMAN was named a partner in the law firm of Preston Gates & Ellis, at their Seattle office. Freedman's practice emphasizes natural resource damage litigation.

PETER W. LABEREE moved his banking and corporate finance practice to Philadelphia's Buchanan Ingersoll Professional Corporation, where he is a shareholder.

'83

GLEN R. CORNBATH joined the newly formed law firm of Krasnow, Sanberg & Cohen in Chicago. His practice focuses on real estate and general business advice. Glen and his wife, Marci Koblenz, have four children and live in Evanston.

FREDERICK G. HEROLD was elected a litigation partner in the law firm of Dechert Price & Rhoads in Philadelphia.

SUSAN RARIDON was elected to the governing council of the ABA Law Practice Management Section and the board of directors of the National Law Firm Marketing Association (NALFMA). She also ran her third consecutive Boston Marathon.

AMY E. WILKINSON joined Jon A. Segal '85 in a panel discussion focusing on the topic, "Hostile Environment—Quid Pro Quo Equals Employment Abuse." The panel presentation was part of the Pennsylvania Bar Association's annual meeting, and was included in a day-long program focusing on women in the legal profession (*The Legal Intelligencer*, 5/31/94).

'84

NATHAN A. SCHATZ joined the law firm Schatz & Schatz, Ribicoff & Kotkin as an associate in the Hartford office. He will concentrate his practice on securities, finance, bank regulation and general corporate law, focusing also on officer and director liability and employment law matters.

'85

GLENN D. BLUMENFELD was elected a real estate partner of the Philadelphia office of the law firm of Dechert Price & Rhoads.

THOMAS JAY ELLIS was named a partner of the Philadelphia firm of Ballard, Spahr, Andrews & Ingersoll. He is a member of the firm's public finance department. He is also serving his second term on the Cheltenham Township (Montgomery County, Pennsylvania) Board of Commissioners and chairs its Finance Committee and Public Safety Committee.

JOHN D. GIGLIO, formerly Associate Counsel to the U.S. Senate Environment and Public Works Committee, joined Porter/Novelli Washington, a public relations firm, as their new Director of Environmental Affairs.

CLIFFORD D.

SCHLESINGER was elected to the Board of Trustees of The Rosenbach Museum and Library in Philadelphia, which seeks to foster knowledge of art, literature, and history through the preservation and development of collections of rare books, manuscripts, and works of art.

'86

PAUL J. BRENNAN was named partner of the law firm of Fox, Rothschild, O'Brien & Frankel, where he practices in the creditors' rights department (*The Legal Intelligencer*, 9/6/94).

MITCHELL L. DORF was named partner of the law firm of Gerald L. Dorf of Rahway, New Jersey. The firm's name was subsequently changed to Dorf and Dorf (*New Jersey Lawyer*, 5/2/94). He published two articles in *New Jersey Municipalities*, entitled "Employee Leaves of Absence" (June 1994) and "The Equal Pay Act Municipal Court Administrators" (November 1994). Dorf also spoke about the Americans With Disabilities Act at the annual convention of the Private Career School Association of New Jersey. In addition, he spoke at the annual conference of the New Jersey State



Thomas Jay Ellis '85



John D. Giglio '85

League of Municipalities. The topic of the presentation was the federal Family and Medical Leave Act and the New Jersey Police Chief Salary statute.

SHELDON D. POLLACK was appointed Assistant Professor in the Department of Accounting in the School of Business and Economics at the University of Delaware, Newark. Pollack specializes in taxation and business law and is the author of fifteen published articles on various topics of law, tax policy, and American politics.

CHRISTOPHER T. REYNA and IRA N. RICHARDS joined the newly formed firm of Chimicles, Jacobsen & Tikellis in Haverford, Pennsylvania.

JAY SILVER, Professor of Law, was named Associate Dean of the St. Thomas University of Law in Miami, Florida. Silver has been credited by the University with the creation of an academic support program for first-year students and a bar preparation program for graduating seniors.

'87

MICHAEL F. BRESLIN joined the Lansdale, Pennsylvania law firm of Hamburg, Rubin, Mullin, Maxwell & Lupin as an associate in the business department.

JONATHAN M. LANDSMAN announced the opening of his law office in New York City, where he concentrates on commercial, real estate, and constitutional law.

ALBERT SHULDINER joined the Information Industry Association as assistant general counsel, where he will help develop and represent positions for the association before federal agencies, in Congress, and in the courts. He will also provide legal advice to the association on intellectual property, contractual, antitrust and tax matters (*PR Newswire*, 5/19/94).

FRANK N. TOBOLSKY, a Philadelphia real estate attorney, was appointed chair of the Pennsylvania Bar Association's Landlord and Tenant Law Committee. He also recently presented "Buying Your Home: A Step-by-Step Guide," through Temple University. In addition, Tobolsky authored a new set of Pennsylvania residential lease forms. Designed to comply with the recent Plain Language Consumer Contract Act, the forms are expected to become standard in Pennsylvania. Tobolsky also spoke at "When Your Business Client Acquires Real Estate," a course sponsored by The Philadelphia Bar Education Center in Atlantic City, New Jersey, where he gave practical "nuts and bolts" guidance for conducting real estate due diligence.

CUYLER H. WALKER, of the commercial department at Pepper, Hamilton & Scheetz, was appointed to the Board of The Philadelphia Foundation, the community foundation serving the Philadelphia area.

'88

SANDY BALLARD, executive director of the Philadelphia Bar Association's Homeless Advocacy Project, accepted, on behalf of the project, a two-year grant from the Annenberg Foundation. This grant will go toward a new program aimed at helping homeless children get the special educational services and federal disability benefits they need (*The Legal Intelligencer*, 6/9/94).

DANIEL P. O'MEARA, of the labor and employee relations department of Wolf, Block, Schorr and Solis-Cohen, addressed the Wharton School Research Advisory Group, which consists of national manufacturers coordinated by the Wharton Center for Human Resources in Denver, on the subject, "Making Alternative Dispute Resolution Work For You." His presentation included a discussion of the different arbitration, peer review, and mediation alternatives available to employers, and the benefits and drawbacks of each. He concluded with suggestions for facilitating implementation of alternative dispute resolution in large organizations.

'89

C. EDWARD GOLFAND, an associate with the Philadelphia-based law firm of Mesirov, Gelman, Jaffe, Cramer & Jamieson, recently wrote two chapters for a book entitled *Small Business Compliance Advisor*. This book is designed to foster understanding among small business owners, and the professionals that advise them, of the myriad of federal regulations that affect the operation of small business (*Pennsylvania Law Weekly*, 7/4/94).

ABBE A. MILLER, a member of the American Bankruptcy Institute and the Eastern District of Pennsylvania Bankruptcy Conference, joined the law firm of Wolf, Block, Schorr and Solis-Cohen.

MARIA MERCEDES PABON is one of five Special Assistants to the Attorney General of Puerto Rico, the Honorable Pedro Pierluisi. Pabon is in charge of Environmental Affairs and Special Projects.

REGINALD LEAMON ROBINSON joined the law faculty at Howard University Law School as an Associate Professor of Law, where he will teach Contracts, Property and American Legal History.



'90

PAUL BONI opened his own law office in Philadelphia for the practice of environmental litigation, permitting, and counseling.

KRISTINE GRADY DEREWICZ joined the Philadelphia law office of Buchanan Ingersoll as an associate, where she specializes in the area of labor and employment law.



Abbe A. Miller '89



Laura Dobson '93

WILFREDO FERRER, a Miami attorney who assisted Hurricane Andrew victims, was appointed by President Clinton as a 1994-95 White House Fellow. The White House Fellows Program places exceptionally talented men and women in full-time paid positions for a year at the White House and cabinet-level agencies.

'92

DAVID WACHEN and KIMBERLY GROSSMAN are engaged to be married. The wedding will take place in September 1995. David recently joined Kimberly in Washington, D.C., where he now works at Howrey & Simon.

JOSE M. OXHOLM-URIBE will be spending one year at Sanchez-Mejorada, Velasco y Valencia in Mexico City. Following his stay, he will continue working with the international group of Thompson, Hine and Flory in Cleveland, where he will focus on general corporate and commercial law with an emphasis on international business transactions and investment.

'91

CHRISTOPHER R. KAUP, of the law firm McDaniel & Kaup, P.C., was appointed the Vice Chair of the Bankruptcy Committee of the General Practice Section of the American Bar Association, where he will serve the membership of the Section in publications, programs and advocacy. Kaup was also named one of four editors of the *Bankruptcy Buzzline* newsletter of the State Bar of Arizona Bankruptcy Section for 1994-1995. *Bankruptcy Buzzline* is published quarterly and deals with issues facing attorneys in the area of bankruptcy law. It is distributed to all members of the Bankruptcy Section of the State Bar of Arizona.

'93

DAVID BLOCH completed his clerkship with the Superior Court of New Jersey, and began working as an associate with the law firm of Szaferman, Lakind, Blumstein, Watter & Blader in Lawrenceville, New Jersey.

LAURA DOBSON participated in the seminar "This Year in Nonprofit Law" presented by the Philadelphia law firm of Montgomery, McCracken, Walker & Rhoads. Dobson, an associate in the employee benefits department of the firm, discussed the topic, "Employee Benefit Law."

'94

KIMBERLY M. DOLAN joined the Philadelphia law firm of White and Williams as a member of the commercial litigation department.

PETER KATZ and THOMAS ROTKO were sworn in as assistant district attorneys in Manhattan (*New York Law Journal*, 9/14/94).

IN MEMORIAM

'12  
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'26  
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August 27, 1994

'29  
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May 7, 1994

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